JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Extraordinary Session of 1978

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1978, and
in the One Hundred and Eighty-seventh
Year of the Commonwealth

Begun on the Thirteenth Day of December, 1978, and Adjourned
Sine Die on the Thirteenth Day of December, 1978

Paid from State Funds

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Section 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of this obligation for the House of Representatives of the Extraordinary Session of 1978.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading, or upon concurrence by the originating house in amendments by the second house. Simple and concurrent resolutions are printed on first reading when applicable or when adopted, and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Susan Dunn, Mrs. Jeanne Wallace and Mrs. Jean Yessin prepared the House Journal for the Extraordinary Session of 1978. The edited copy and index found in this volume reflect the cooperative efforts of the Commission's staff.

VIC HELLARD, JR.
Director

The Capitol
Frankfort, Kentucky

JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

First Extraordinary Session of 1978

WEDNESDAY, DECEMBER 13, 1978

FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on December 13, 1978, the one hundred and eighty-seventh year of the Commonwealth, in compliance with a proclamation issued by the Acting Governor, Thelma L. Stovall, the House of Representatives was called to order by the Honorable William G. Kenton, Speaker of the House of Representatives.

Prayer by Reverend Bob Brown, of the Trinity Baptist Church, Lexington.

The Clerk read the following Proclamation:

CERTIFICATE

I, DREXELL R. DAVIS, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of: A Proclamation issued by Thelma L. Stovall, Acting Governor, on the 17th of November, 1978, convening the General Assembly into Extraordinary Session, at 1:00 p.m. (EST), Monday, December 11, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal. Done at Frankfort this 11th day of December, 1978.

DREXELL R. DAVIS
Secretary of State

PROCLAMATION
By The Governor Of The Commonwealth Of Kentucky

To The General Assembly Of The Commonwealth Of Kentucky And To All To Whom These Presents Shall Come:

WHEREAS, the official records of the Secretary of State reflect the fact that the Governor of the Commonwealth of Kentucky is "absent from the State" within the meaning of Section 84 of the Constitution of Kentucky; and

WHEREAS, in such circumstances, it becomes incumbent upon the Lieutenant Governor to discharge the duties of the office of Governor;

NOW, THEREFORE, Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Thelma L. Stovall, Acting Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 1:00 p.m. (EST), Monday, December 11, 1978, for the sole purpose of considering the following subjects:

(1) The enactment of legislation relating to the methods by which utility rates are structured and approved by the Public Service Commission.

(2) The enactment of legislation relating to the utility consumer intervenor within the division of consumer protection in the department of law.

(3) The enactment of legislation amending various sections of Chapter 139 of the *Kentucky Revised Statutes* for the purpose of removing the sales tax from residential utility bills.

(4) The enactment of legislation amending various sections of the *Kentucky Revised Statutes* for the purpose of preventing increases in property taxes as a result of increased property assessments.

(5) The enactment of legislation amending various sections of Chapter 141 of the *Kentucky Revised Statutes* for the purpose of increasing the standard deduction on personal income taxes; and for the purpose of making the income tax benefits for persons 65 or older available to persons 62 or older.

(6) The enactment of legislation modifying, amending, or creating various sections of the *Kentucky Revised Statutes* dealing with:

(a) District Court fines and costs;
(b) Jail reimbursements;
(c) Base court revenue; and
(d) Reimbursement for court space.

DONE AT THE CAPITOL, in the City of Frankfort, this the 17th day of November in the year of our Lord One Thousand Nine Hundred and Seventy-Eight and in the year of the Commonwealth the One Hundred Eighty-Seventh.

DREXELL R. DAVIS, Secretary of State

THELMA L. STOVALL, ACTING GOVERNOR

The Clerk read the following amendment to the Proclamation.

CERTIFICATE

I, DREXELL R. DAVIS, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of Governor Julian M. Carroll's Amendment by Proclamation to the original Proclamation convening the Extraordinary Session of the General Assembly of Kentucky. This Proclamation being dated December 8, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal. Done at Frankfort this 13th day of December, 1978.

DREXELL R. DAVIS
Secretary of State

PROCLAMATION
By The Governor Of The
Commonwealth Of Kentucky

To The General Assembly Of The Commonwealth Of Kentucky And To All To Whom These Presents Shall Come:

WHEREAS, the Lieutenant Governor, while acting as Governor of the Commonwealth, has convened the General Assembly into Extraordinary Session at 1:00 p.m. (EST), Monday, December 11, 1978, for various purposes, including the consideration of the enactment of legislation which would reduce state revenues; and

WHEREAS, Section 171 of the Kentucky Constituion requires the General Assembly to provide by law an annual tax, which with other resources, must be sufficient to defray the estimated expenses of the Commonwealth; and

WHEREAS, consideration of legislation reducing state revenues necessitates consideration of legislation revising state expenditures; and

WHEREAS, the Lieutenant Governor failed to include consideration of legislation reducing state expenditures among the items included in the original Proclamation convening the Extraordinary Session; and

WHEREAS, There are other issues which need to be considered by the General Assembly during this Extraordinary Session;

NOW, THEREFORE, Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky, I, Julian M. Carroll, Governor of Kentucky, do issue this, my proclamation, amending the Acting Governor's Proclamation convening the General Assembly of Kentucky, at 1:00 p.m. (EST), Monday, December 11, 1978, for the sole purpose of adding the following subjects to those set forth in the Proclamation of November 17, 1978:

(1) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through HB 229 of that session.

(2) The enactment of legislation relating to welfare fraud.

(3) The appropriation of sufficient funds to the Department of Transportation for the purpose of providing emergency medical transportation across the Ohio River from South Shore, Kentucky.

DONE AT THE CAPITOL, in the City of Frankfort, this the 8th day of December in the year of our Lord One Thousand Nine Hundred and Seventy-Eight and in the year of the Commonwealth the One Hundred Eighty-Seventh.

JULIAN M. CARROLL, GOVERNOR

DREXELL R. DAVIS, Secretary of State

H. HOWELL BRADY, JR., Assistant Secretary of State

The Clerk read the Certificate of Election from the Secretary of State.

COMMONWEALTH OF KENTUCKY
State Board of Elections

Frankfort, Ky., November 20, 1978

The Undersigned, a Board for examining the returns of an election held on Tuesday, the 7th day of November, 1978, for STATE REPRESENTATIVE, FOURTH REPRESENTATIVE DISTRICT, of the State of Kentucky, do certify that LINDA BOATWRIGHT received the highest number of votes given for that office, as certified to the Secretary of State, and is, therefore, duly and regularly elected for the term prescribed by the Constitution.

Drexell R. Davis, Chairman
Raymond F. Bossmeyer, Member
Earl R. Searcy, Member
State Board of Elections
Commonwealth of Kentucky

ATTEST: Charlotte G. Mullins, State Board of Elections, Executive Director

The Speaker requested that the Journal reflect that the new member took the oath of office on November 21, 1978.

The Clerk read the following certificate from the Secretary of State:

COMMONWEALTH OF KENTUCKY
Office of Secretary of State

I, Drexell R. Davis, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the Office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office, this 11th day of December, 1978.

DREXELL R. DAVIS, Secretary of State

MEMBERS OF THE HOUSE OF REPRESENTATIVES
1978 First Extraordinary Session

1ST DISTRICT
Ward "Butch" Burnette
194 Brookwood
Fulton, Kentucky 42041

2ND DISTRICT
Lloyd E. Clapp
P. O. Box 85
Wingo, Kentucky 42088

3RD DISTRICT
Alice H. "Dolly" McNutt
105 Country Club Lane
Paducah, Kentucky 42001

4TH DISTRICT
Linda Boatwright
Route 2, Box 260-C, Brenna Drive
Paducah, Kentucky 42001

5TH DISTRICT
Kenneth C. Imes
201 South Third Street
Murray, Kentucky 42071

6TH DISTRICT
J. R. Gray
Route 3, Jackson School Road
Benton, Kentucky 42025

7TH DISTRICT
David E. Boswell
Route 6, Box 95
Owensboro, Kentucky 42301

8TH DISTRICT
Henry Ramsey Morris, Jr.
Route 2
Hopkinsville, Kentucky 42240

9TH DISTRICT
James E. Bruce
Route 1, 41A South
Hopkinsville, Kentucky 42240

10TH DISTRICT
William T. "Bill" Brinkley
311 Lake Street
Madisonville, Kentucky 42431

11TH DISTRICT
Gross C. Lindsay
783 Woodspoint Drive
Henderson, Kentucky 42420

12TH DISTRICT
Roy Joe Head
Route 1
Providence, Kentucky 42450

13TH DISTRICT
Louis Johnson
1511 Kent Place
Owensboro, Kentucky 42301

14TH DISTRICT
Donald J. Blandford
Route 1, King Road
Philpot, Kentucky 42366

15TH DISTRICT
Philip Stone
620 Greenville Road
Central City, Kentucky 42330

16TH DISTRICT
Lewis Foster
Route 2
Lewisburg, Kentucky 42256

17TH DISTRICT
Willard "Woody" Allen
Route 2, Box 123
Morgantown, Kentucky 42261

18TH DISTRICT
Mary Ann Tobin
U. S. 60
Irvington, Kentucky 40146

19TH DISTRICT
Ronny Layman
Route 1
Millwood, Kentucky 42762

20TH DISTRICT
Jody Richards
1022 Ridgecrest Dr.
Bowling Green, Kentucky 42101

21ST DISTRICT
Buddy H. Adams
Route 3
Bowling Green, Kentucky 42101

22ND DISTRICT
Buel E. Guy
Route 6
Scottsville, Kentucky 42164

23RD DISTRICT
Bobby H. Richardson
Route 7, Highway 31-E
Glasgow, Kentucky 42141

24TH DISTRICT
Sam B. Thomas
Route 1
Lebanon, Kentucky 40033

25TH DISTRICT	Allene A. Craddock 710 Woodland Road Elizabethtown, Kentucky 42701
26TH DISTRICT	Virgil L. Pearman 952 North Woodland Drive Radcliff, Kentucky 40160
27TH DISTRICT	Archie N. Romines, Sr. 13312 Tennis Blvd. Valley Station, Kentucky 40272
28TH DISTRICT	James R. "Jim" Dunn 5009 Maryman Road Pleasure Ridge Park, Kentucky 4
29TH DISTRICT	Al Bennett 3518 Blanton Lane Louisville, Kentucky 40214
30TH DISTRICT	Thomas J. Burch 4850 Brenda Drive Louisville, Kentucky 40219
31ST DISTRICT	Mark D. O'Brien 36 S. Sheridan Road Louisville, Kentucky 40220
32ND DISTRICT	Bruce Blythe 516 Altagate Road Louisville, Kentucky 40206
33RD DISTRICT	Bob Benson 2937 White Plains Road Louisville, Kentucky 40218
34TH DISTRICT	Gerta Bendl 2403 Newburg Road Louisville, Kentucky 40205
35TH DISTRICT	Carl A. Nett 1268 Lydia Street Louisville, Kentucky 40217
36TH DISTRICT	Claudia Riner 1143 E. Broadway Louisville, Kentucky 40204
37TH DISTRICT	M. J. "Jerry" Kleier 335 West Southside Court Louisville, Kentucky 40214
38TH DISTRICT	Dexter S. Wright 526 South Third Street Louisville, Kentucky 40214
39TH DISTRICT	Lawrence Ray Maynard 1340 South 6th Street Louisville, Kentucky 40203
40TH DISTRICT	George R. Siemens, Jr. 2919½ Dixie Highway Louisville, Kentucky 40216
41ST DISTRICT	Mae Street Kidd 2308 West Chestnut Street Louisville, Kentucky 40211
42ND DISTRICT	Aubrey Williams 1310 Rosewell Louisville, Kentucky 40211
43RD DISTRICT	Carl R. Hines 635 Southwestern Parkway Louisville, Kentucky 40211
44TH DISTRICT	James Bernard Yates 2305 Thurman Drive Shively, Kentucky 40216
45TH DISTRICT	Dottie Priddy 9001 Whippoorwill Louisville, Kentucky 40229
46TH DISTRICT	Harold Haering 7709 Zenith Way Louisville, Kentucky 40219
47TH DISTRICT	Edward L. Holloway 10705 Sunderland Place Middletown, Kentucky 40243
48TH DISTRICT	Louie Guenthner, Jr. 6103 Rhodes Drive Northfield, Kentucky 40222
49TH DISTRICT	Frank J. Smith Box 222 Star Route Shepherdsville, Kentucky 40165
50TH DISTRICT	John Hurst Route 1, Plum Run Rd. Bloomfield, Kentucky 40008
51ST DISTRICT	Herman W. Rattliff Route 3 Campbellsville, Kentucky 42718
52ND DISTRICT	Raymond Overstreet Riverview Estates Liberty, Kentucky 42539
53RD DISTRICT	Randolph Smith Albany Road Monticello, Kentucky 42633
54TH DISTRICT	Joe Clarke 420 Boone Trail Danville, Kentucky 40422
55TH DISTRICT	Forest Aggie Sale 520 Beaumont Avenue Harrodsburg, Kentucky 40330
56TH DISTRICT	John V. Carpenter, Jr. Route 4, Rainbow Drive Nicholasville, Kentucky 40356
57TH DISTRICT	C. M. "Hank" Hancock 514 Murray Street Frankfort, Kentucky 40601
58TH DISTRICT	W. Stephen Wilborn 614 Eighth Street Shelbyville, Kentucky 40065

59TH DISTRICT
Robert A. "Bob" Jones
Lot 22, Farmington Lane, Box 20
Crestwood, Kentucky 40014

60TH DISTRICT
William K. "Bill" McBee
500 Florence Pike
Burlington, Kentucky 41005

61ST DISTRICT
Clay Crupper
25 Wilorn Street
Dry Ridge, Kentucky 41035

62ND DISTRICT
Mark Fitzgerald
Route 1
Cynthiana, Kentucky 41031

63RD DISTRICT
Louis DeFalaise
33 West Maple
Fort Mitchell, Kentucky 41011

64TH DISTRICT
Charles O. Petty
686 Ridge Road
Covington, Kentucky 41015

65TH DISTRICT
John J. Isler
1813 Jefferson Avenue
Covington, Kentucky 41014

66TH DISTRICT
Elmer C. Dietz
514 Linden
Ludlow, Kentucky 41016

67TH DISTRICT
Terry L. Mann
19 Douglas Drive
Newport, Kentucky 41071

68TH DISTRICT
William "Bill" Donnermeyer
333 Bonnie Leslie Avenue
Bellevue, Kentucky 41073

69TH DISTRICT
Arthur L. Schmidt
134 Winters Lane
Cold Spring, Kentucky 41076

70TH DISTRICT
Pete Worthington
P. O. Box 16
Ewing, Kentucky 41039

71ST DISTRICT
Woody May
West Liberty, Kentucky 41472

72ND DISTRICT
Jim LeMaster
256 Swigert Avenue
Lexington, Kentucky 40505

73RD DISTRICT
Paul W. Richardson, Sr.
72 Milwood
Winchester, Kentucky 40391

74TH DISTRICT
Adrian K. Arnold
Route 3
Mount Sterling, Kentucky 40353

75TH DISTRICT
William G. Kenton
343 Woodland Avenue
Lexington, Kentucky 40508

76TH DISTRICT
Steven L. Beshear
317 Mariemont Drive
Lexington, Kentucky 40505

77TH DISTRICT
David L. Van Horn
1024 Juniper Drive
Lexington, Kentucky 40504

78TH DISTRICT
Dr. Jack Trevey
5241 Tates Creek Road
Lexington, Kentucky 40503

79TH DISTRICT
Henry Clay List
500 Laketower Drive
Lexington, Kentucky 40502

80TH DISTRICT
William Harold DeMarcus
Route 2
Stanford, Kentucky 40484

81ST DISTRICT
Dwight Wells
Route 7
Richmond, Kentucky 40475

82ND DISTRICT
Elvin Elmer Patrick
Ballard Ford Road
Williamsburg, Kentucky 40769

83RD DISTRICT
Marshall Davenport
Eagles Nest, Route 3,
Science Hill, Kentucky 42553

84TH DISTRICT
Lloyd McKinney
Route 1, Box 305
McKee, Kentucky 40447

85TH DISTRICT
Albert Robinson
Route 6, Box 60
London, Kentucky 40741

86TH DISTRICT
Jimmy White
324 N. Main Street
Barbourville, Kentucky 40906

87TH DISTRICT
George E. Stewart
528 Kentucky Avenue
Pineville, Kentucky 40977

88TH DISTRICT
Roger Noe
Box 1124
Harlan, Kentucky 40831

89TH DISTRICT
John R. Turner
929½ Highland Avenue
Jackson, Kentucky 41339

90TH DISTRICT
Clay Gay
Box 990
Hyden, Kentucky 41749

91ST DISTRICT
Hoover Dawahare
P. O. Box 540
Whitesburg, Kentucky 41858

92ND DISTRICT
Bill Weinberg
P. O. Box 386
Hindman, Kentucky 41822

93RD DISTRICT	N. Clayton Little Hartley, Kentucky 41532
94TH DISTRICT	Herbert "Herbie" Deskins, Jr. P. O. Box 423 Pikeville, Kentucky 41501
95TH DISTRICT	James "Jitter" Allen Route 2, Box 82 Martin, Kentucky 41649
96TH DISTRICT	George M. Plummer Route 2, Indian Hills Subdivision Vanceburg, Kentucky 41179
97TH DISTRICT	Leo Marcum Inez, Kentucky 41224
98TH DISTRICT	Ronald R. Cyrus Route 1, E. K. Road Greenup, Kentucky 41144
99TH DISTRICT	Ray O. Brown Box 345 Sandy Hook, Kentucky 41171
100TH DISTRICT	Charles R. Holbrook, III 1734 Dysard Hill Ashland, Kentucky 41101

The roll was called. All present except Representatives Blythe, Patrick and Williams.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative B. Richardson moved the same rules as of the Regular Session, 1978 prevail.

On the roll call the vote was, Yeas: 97—Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates.

Nays: 0.

The motion was adopted.

Introduction of Bills and Resolutions

Representative B. Richardson moved to suspend the rules to introduce and act on a resolution. Agreed.

HR 1, by Representative B. Richardson: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Representative B. Richardson moved to read HR 1. Agreed.

HR 1, A RESOLUTION authorizing appointment of a committee to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business; and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the Extraordinary Session of 1978 of the General Assembly is now organized and ready to receive any communication he may care to deliver relative to those matters included in the call of this extraordinary session.

Representative B. Richardson moved the adoption of HR 1.

On the roll call the vote was, Yeas: 97—Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates.

Nays: 0.

The motion was adopted.

The Speaker appointed the following Committee to wait upon the Senate and the Governor: Representatives Boatwright, Brinkley, DeMarcus, Isler, List and Rattliff.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes for a Minority Caucus and a Majority Caucus.

On the roll call the vote was, Yeas: 76—Adams, J. Allen, Arnold, Bendl, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Weinberg, Wells, White, Wilborn, Worthington, Yates.

Nays: 2—Guenthner, Overstreet.

The motion was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, and the members of the Senate entered upon the floor of the House.

Joint Session

The Speaker vacated the Chair, whereupon the Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Representative B. Richardson moved that the House and Senate resolve into Joint Session for the purpose of receiving the address of the Honorable Julian M. Carroll, Governor of Kentucky. Agreed.

Representative B. Richardson moved that the Joint Session of the House and Senate dispense with the call of the roll. Agreed.

Prayer by the Reverend Bob Brown, Trinity Baptist Church, Lexington.

The Committee of the House appointed to join with a like committee of the Senate to wait upon the Governor and escort him to the House to address the Joint Session appeared with the Governor.

Lieutenant Governor Thelma L. Stovall introduced the Honorable Julian M. Carroll, Governor of the Commonwealth of Kentucky.

Governor Carroll addressed the Joint Session of the General Assembly pertaining to flood disaster in seventeen Kentucky counties.

Representative B. Richardson moved that the Joint Session of the House and Senate be dissolved. Agreed.

The Speaker resumed the Chair.

Introduction of Bills and Resolutions (continued)

HB 1, by Representatives Morris, Bruce and Brinkley. AN ACT relating to fines.

HB 2, by Representatives Wright and Haering. AN ACT relating to welfare fraud.

HB 3, by Representatives Noe and F. Smith. AN ACT relating to public utility rates.

HB 4, by Representatives Bruce and Morris. AN ACT relating to sales and use tax.

HB 5, by Representatives Richardson and F. Smith. AN ACT relating to fines.

HB 6, by Representative Little. AN ACT relating to public utility rates.

HB 7, by Representative Romines. AN ACT relating to bail bonds.

HB 8, by Representative Little. AN ACT relating to fines.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Committees. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 3, HB 4, HB 6.**
Judiciary—Courts: **HB 1, HB 5, HB 7, HB 8.**
Judiciary—Statutes: **HB 2.**

Motions, Petitions and Communications

Representative Weinberg addressed the House.

Representative Richardson moved to spread the remarks of Representative Weinberg upon the Journal.

On the roll call the vote was, Yeas: 95—Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates.

Nays: 0.

The motion was adopted.

Mr. Speaker, Ladies and Gentlemen of the House: I have been sorely aggrieved, and every member of this body has been aggrieved.

On Monday Past, I arrived at the Capitol to fulfill an appointment previously set with the Governor. I found the doors to the Capitol locked. Upon knocking and identifying myself as a legislator, a security guard informed me that I could only enter for the purpose of getting any papers I needed and that I must then leave. After signing in, I found members of the Governor's staff, Supreme Court members and their staff, and members of the press all using the building.

I contacted the Governor's assistant for appointments at the Mansion and inquired as to our meeting. He asked me to "sit tight" in the Governor's Office and said that he would notify me as to its status. After about five minutes, Mr. Nat Britton, supposedly the head of the Governor's security force, ordered me from the building and accused me of lying to him about my business in the Capitol. He apologized when I pointed out to him that he had confused me with a gentlemen who had entered the building immediately after me. Mr. Speaker, I have been called many things in my life, but never before a liar.

Around 1:30, that same day, I returned with other legislators to convene the Session pursuant to the Proclamation issued by Lieutenant Governor Stovall. We were again refused admission to the Capitol and had to conduct our session on the Capitol steps. We convened, read the proclamation and then recessed until 1:30 today.

Mr. Speaker, Ladies and Gentlemen of the House. This is not a matter of hurt feelings; the only damage which concerns me is that done to our constitutional government. This is not an attack on our Governor: this is a defense of the Body's constitutional responsibilities. This is not an attack on our Governor: this is not a partisan issue; our Constitution transcends political parties. When armed guards lock these Capitol doors and refuse entrance to legislators called by law to special session, we are talking of the most serious constitutional issue.

We all realize the tremendous damage suffered as a result of this flood. In my own district, the town of Salyersville has been inundated, with damage in the millions. No one quarrels with the Governor's desire to postpone the work of this General Assembly. There is more important immediate work to be done in digging out from the river's destruction.

But Mr. Speaker, when the flood waters have receded, when the damage has been assessed, when the flood insurance has been paid, when tragic relocations have been completed, when the financial and emotional losses are behind us, albeit never forgotten by those who experienced them first-hand, we shall still remain a government of laws, not men.

A government of laws, not of men, Mr. Speaker. This simple principle is the bulwark of all that has made this country great. We have a Constitution in this state, Mr. Speaker, and so long as I have breath to speak, I shall speak in favor of upholding it.

Mr. Speaker, I find nothing—absolutely nothing—in the Constitution granting the Governor the power to postpone a special session once it has been called. To the contrary, in the case of *Royster v. Brock*, 79SW2d 707 (1935), the Court of Appeals of Kentucky found that a call to a special session, once made, could not be revoked. The court's language in that case quoting a Nebraskan Chief Justice's dissent aprovingly deals with the issue directly:

> "After the Executive Proclamation convening the Legislature is issued, his power in respect to that matter is exhausted . . . He may convene the Legislature with a Proclamation. What is it that convenes them? It is the Proclamation, an official document expressly authorized by the Constitution, and which the members of the Legislature are morally and legally bound to obey. They have no discretion, it is their duty to convene as commanded in the Proclamation. The Proclamation is vitalized with the potent energies of the law the moment it is issued. It takes effect at once. It is a law unto the members of the Legislature and they must yield obedience to its authority . . . The authority to vitalize and call into life the dormant power, granted in the Constitution, to convene the Legislature on extraordinary occasions is vested in the Executive. The way in which he can do this is specifically pointed out. It is to be done by the Executive Proclamation. Such a Proclamation having been issued, the Legislature is as much bound to assemble as they are on the first Monday in January, biennially after July, 1866, which is expressly required by the Constitution. The Proclamation convening the Legislature, calls into life a constitutional requirement which is dormant until the Proclamation is issued. After that time, the Executive can no more suspend the operation of this constitutional provision, which requires the Legislature to meet at the time named in his Proclamation, than he can revoke or suspend any other constitutional requirement."

How much clearer could the Justices have been? Mr. Speaker, we are morally and legally bound to obey the proclamation issued calling this special session at the time and place stated. There is not and has never been any proclamation changing the time and place for meeting. The existing Proclamation cannot be revoked, suspended or postponed by Executive Order. We have no discretion, it was our duty to convene as commanded in the Proclamation.

At issue here is the principal of separation of powers itself. It is the Governor's prerogative to call a special session. It is our duty as legislators to determine the time and hour of recess and adjounment. The Constitution specifically grants the Governor the power to relocate the meeting site in case of war or disease. That he could have constitutionally done. There his powers end until the session has convened.

Mr. Speaker, I do not doubt that the sensible thing for us to do is to adjourn sine die and return to consider the same substantive issues in January. That, however, is beside the point. We will do today what we should have done this Monday past.

When the people's representatives are barred from this Capitol by security guards under conditions which violate the state's Constitution, the very foundation of our democratic form of government is shaken.

Mr. Speaker, sometimes it is not popular to uphold the Constitution. There are times when following the Constitution creates difficulties. We can become so involved in our own problems and activities that the Consitution appears as a needless distraction. But, Mr. Speaker, we ignore the Constitution only at our peril. Once the first small step is taken away from constitutional government, every freedom which we know and cherish is threatened.

I do not suggest that the Governor has anything but the best intentions. I do not fault him for his concern or for his desire to postpone this session. But, Mr. Speaker, it is our duty as legislators to protect our constitutional responsibilities. That is the very essence of legislative independence. It is our duty, and ours alone under the circumstances, to determine the time and hour of recess and adjournment of this body. We must not only accept that responsibility; we must insist upon it.

Mr. Speaker, I have been aggrieved and this House has been aggrieved by the refusal of security guards to allow us to convene as ordered in the Proclamation calling the special session. I have been aggrieved and this House has been aggrieved by the Governor's well-meaning, but illegal, attempt to postpone the convening of this Body without the action of this Body.

I spoke this morning with Governor Carroll and told him of my concerns. He assured me that he had taken, and would take, no action with the Leadership of the General Assembly regarding this matter. He said that this is a House matter and I agree with him. I have come to know and respect this Body both collectively and individually. I am confident that, regardless of how others outside this Chamber respond, we will do our duty as we see it. The words of Abraham Lincoln provide direction:

> "Let us have faith that right makes might, and in that faith, let us to the end dare to do our duty as we understand it."

Representative Schmidt moved his remarks to this Special Session be spread upon the Journal. Agreed.

Mr. Speaker, Ladies and Gentlemen:

I know the Governor along with each member of this body is deeply touched and concerned over the flooding and loss of property not only in Frankfort but throughout the Commonwealth. These events do not alter the facts.

I arrived at the Capitol on Monday, December 11, in response to the official Proclamation by Governor Stovall. I was met by Capt. Britton of the Capitol Police. He informed me that the Capitol was closed and I would not be permitted to enter. I later learned that the members of the Judiciary Branch of government and members of the Executive Branch and members of the press were permitted to enter and leave the Capitol building. I was informed that Capt. Britton was acting under direct orders from the Governor. I was shocked and amazed that the Capitol Police under the Governor's direct orders would try to prevent elected officials from performing their official duties.

People create governments to protect, benefit and defend themselves. Constitutions were adopted to protect people from government. We are talking about basic law. For legislators, elected representatives of the people, to be locked out of the Capitol when attempting to perform their official duty is inexcusable.

This Governor has spoken many times about legislative independence. If this Governor or any Governor is permitted to ignore the Constitution, if this or any Governor is permitted to delay or postpone the convening of the General Assembly, a precedent will have been set that could make any future attempts of legislative independence impossible. There was a constitutional way for the Governor to have acted and that is what he should have done.

When several members of the House met here at the Capitol on Monday, we knew that we would be criticized. We knew that we would be condemned. We knew that we would be misunderstood. We also knew that we were right.

Some editorial writers have been highly critical. It is interesting to note the press often claims to be the great defenders of the Constitution.

There are many things in the Kentucky Constitution I do not agree with, but I swore an oath, as did every member of this body, to support the Constitution. I intend to live up to that oath.

The only constitutional action this house can take to help correct the situation is to adopt the Journal for Monday, December 11, 1978.

Representative Schmidt moved the minutes of December 11, 1978 be spread upon the Journal. Agreed.

Commonwealth of Kentucky
House of Representatives
December 11, 1978

The House of Representatives of the General Assembly of the Commonwealth of Kentucky having convened at the Seat of Government, Frankfort, Kentucky, pursuant to the call of the acting Governor issued November 17, 1978 and less than a quorum being present due to emergency conditions then and there existing and his excellency the Governor of the Commonwealth having indicated his desire that the General Assembly postpone continuation of the extraordinary session until Wednesday, December 13, 1978 at the hour of 1:00 p.m. and more than 5 members being present and after due waiting a motion was made by Rep. Art Schmidt, seconded and passed pursuant to Section 37 of the Constitution of Kentucky and Rule 2 of the Rules of the House to adjourn until 1:00 p.m. Wednesday, December 13, 1978.

Those voting yes among the duly elected members of the House:

/s/ Arthur L. Schmidt	/s/ Edward L. Holloway
/s/ Woody Allen	/s/ Harold Haering
/s/ Louis DeFalaise	/s/ Marshall Davenport
/s/ Ronny Layman	/s/ Bill Weinberg

The motion was adopted.

Representative Schmidt moved the Journal for Monday, December 11, 1978, accepting this day as the first day of the Session, be approved.

On the roll call the vote was, Yeas: 16—W. Allen, Davenport, DeFalaise, DeMarcus, Guenthner, Haering, Holbrook, Holloway, Layman, Marcum, Maynard, Plummer, Rattliff, Robinson, Schmidt, R. Smith

Nays: 66—Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, List, Little, Mann, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Richards, B. Richardson, P. Richardson, Riner, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Wells, White, Wilborn, Worthington, Yates.

Representative Tobin moved the adoption of the following Legislative Citation No. 2:

The House of Representatives of the Commonwealth of Kentucky hereby honors Mrs. Hazel Cubbage Muth of Muldraugh, who was instrumental in the organization of the Muldraugh Women's Club and has been an active participant in community affairs. This body commends Mrs. Muth for her dedication to her community. (Sponsored by Representative Tobin)

Agreed.

Representative Yates moved the adoption of the following Legislative Citation No. 1:

The House of Representatives of the Commonwealth of Kentucky hereby commends Sandra Wilson, a nurse at Saints Mary and Elizabeth Hospital, Louisville, Kentucky, for her exceptional skill and kindness in providing patient care and the honor and credit she has brought to her profession in the performance of her duties. This body commends Ms. Wilson for her achievements and extends its best wishes to her. (Sponsored by Representative Yates)

Agreed.

Announcements

Appropriations and Revenue will meet today on adjournment in Room 307.

Public Utilities: 10:00 a.m., Room 327 on Thursday, December 14, 1978.

Highways and Traffic Safety: cancelled for Thursday, December 14, 1978.

Senate Message

Announcing passage of **SR 3**.

Representative B. Richardson moved to suspend the rules to act on **SR 3**. Agreed.

Representative B. Richardson moved the adoption of the following **SR 3**:

SCR 3, A CONCURRENT RESOLUTION to adjourn the 1978 First Extraordinary Session of the General Assembly sine die.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives adjourn on Wednesday, December 13, 1978, they do adjourn sine die.

On the roll call the vote was, Yeas: 90—Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright.

Nays: 0.

The motion was adopted.

Representative Tobin moved to suspend the rules to allow the House to adjourn in memory of the late Representative J. W. Boatwright. Agreed.

Representative Tobin moved that when the House does adjourn on this day, to do so in memorial to Representative J. W. Boatwright. Agreed.

Representative B. Richardson moved the minutes contained in the Journal of this day be approved. Agreed.

HB 4, Representative Trevey requested to be listed as a co-sponsor.

Adjournment

Representative B. Richardson moved to adjourn sine die.

On the roll call the vote was, Yeas: 73—Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Donnermeyer, Dunn, Foster, Gay, Gray, Guy, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, Robinson, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates.

Nays: 6—Fitzgerald, Guenthner, Little, Priddy, Riner, Romines.

The motion to adjourn was adopted.

The Journal of the House of Representatives was read, compared and approved.

The House adjourned sine die.

APPROVED:
William G. Kenton
Speaker

ATTEST:
Sara Bell
Clerk

HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. The text of a bill is given on 1st reading. The name of sponsors are in parentheses; when a bill has more than two sponsors only the first is listed in this history, but all sponsors are listed when a bill is introduced.

Bill	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Sub or. Amend	Voting	Other Action
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HB 2	9	9									
HB 3	9	9									
HB 4	9	9									13
HB 5	9	9									
HB 6	9	9									
HB 7	9	9									
HB 8	9	9									

HISTORY OF HOUSE RESOLUTIONS

Numbers refer to page of House Journal. The text of a resolution is given on 1st reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	Senate Message	Enrolled	Other Action
HR 1	7						7			

HISTORY OF SENATE RESOLUTIONS

	Senate Message	Re-ferred	Re-ported	Readings 1st	Readings 2nd	Readings 3rd	Adopted	En-rolled	Other Action
SR 3	13						13		

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Committee to wait upon: HR 1

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Introduced: HB 2

JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

GENERAL ASSEMBLY

of the

COMMONWEALTH OF KENTUCKY

Extraordinary Session of 1979

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1979, and
in the One Hundred and Eighty-seventh
Year of the Commonwealth

Begun on the Eighth Day of January, 1979, and Adjourned
Sine Die on the Tenth Day of February, 1979

Paid from State Funds

FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Section 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of this obligation for the House of Representatives of the Extraordinary Session of 1979.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading, or upon concurrence by the originating house in amendments by the second house. Simple and concurrent resolutions are printed on first reading when applicable or when adopted, and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Susan Dunn, Mrs. Jeanne Wallace and Mrs. Jean Yessin prepared the House Journal for the Extraordinary Session of 1979. The edited copy and index found in this volume reflect the cooperative efforts of the Commission's staff.

VIC HELLARD, JR.
Director

The Capitol
Frankfort, Kentucky

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY

FIRST EXTRAORDINARY SESSION OF 1979

MONDAY, JANUARY 8, 1979
FIRST LEGISLATIVE DAY

At an Extraordinary Session of the General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 8, 1979, the one hundred and eighty-seventh year of the Commonwealth, in compliance with a proclamation issued by the Governor of the Commonwealth, the House of Representatives was called to order by the Honorable William G. Kenton, Speaker of the House of Representatives.

Prayer by Reverend Bob Brown of the Trinity Baptist Church, Lexington, Kentucky.

The Clerk read the following Proclamation:

I, Drexell R. Davis, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be a true and correct copy of Proclamation issued by Governor Julian M. Carroll on the 1st day of January, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal. Done at Frankfort this 4th day of January, 1979, Drexell R. Davis, Secretary of State, Commonwealth of Kentucky

PROCLAMATION
by the
Governor
of the
COMMONWEALTH OF KENTUCKY

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Julian M. Carroll, Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 1:00 p.m. (EST), Monday, January 8, 1979, for the sole purpose of considering the following subject:

(1) The enactment of legislation relating to the methods by which utility rates are structured and approved by the Public Service Commission.

(2) The enactment of legislation relating to the utility consumer intervenor within the division of consumer protection in the department of law.

(3) The enactment of legislation amending various sections of Chapter 139 of the Kentucky Revised Statutes for the purpose of removing the sales tax from residential utility bills.

(4) The enactment of legislation amending various sections of the Kentucky Revised Statutes for the purpose of preventing increases in property taxes as a result of increased property assessment.

(5) The enactment of legislation amending various sections of Chapter 141 of the Kentucky Revised Statutes for the purpose of increasing the standard deduction on personal income taxes; and for the purpose of making the income tax benefits for persons 65 or older available to persons 62 or older.

(6) The enactment of legislation modifying, amending, or creating various sections of the Kentucky Revised Statutes dealing with:

(a) District Court fines and costs;
(b) Jail reimbursements;
(c) Base court revenue; and
(d) Reimbursement for court space.

(7) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through HB 229 of that session.

(8) The enactment of legislation relating to welfare fraud.

(9) The appropriation of sufficient funds to the Department of Transportation for the purpose of providing emergency medical transportation across the Ohio River from South Shore, Kentucky.

(10) Legislation relating to crisis assistance and the appropriation of sufficient funds to meet the essential needs of the areas affected by the December floods.

I now reaffirm the consideration of those subjects set out above and add the following subjects to be considered by the General Assembly:

(11) The enactment of legislation authorizing state and local governments to require compliance with federal wage and price guidelines.

(12) The enactment of legislation relating to financial disclosure by public officials and employees.

(13) The enactment of legislation relating to state police officers disabled as a result of and in the course of their employment.

(14) The enactment of legislation relating to the regulation of railroads.

(15) The enactment of legislation establishing a Kentucky Horse Park Board.

(16) The enactment of legislation to establish a program to aid small coal mines in complying with federal strip mine regulations.

(17) The enactment of legislation relating to mobile homes and recreational vehicles.

(18) The enactment of legislation relating to office space for court related officials.

(19) The enactment of legislation relating to advertising for bids by public agencies.

(20) The enactment of legislation relating to information obtained by newsmen in the course of their employment.

(21) The enactment of legislation authorizing state chartered banks to charge the same rate of interest on loans of less than $15,000 as federally chartered banks can charge.

DONE AT THE CAPITOL, in the City
of Frankfort, this the 1st Day
of January in the year of Our
Lord One Thousand Nine Hundred
and Seventy-nine and in the year
of the Commonwealth the One

Hundred Eighty-seventh.

s/JULIAN M. CARROLL
GOVERNOR

ATTEST:

s/DREXELL R. DAVIS
SECRETARY OF STATE

The following certification of duly elected and certified members of the House of Representatives was filed with the Clerk of the Secretary of State:

COMMONWEALTH OF KENTUCKY
FRANKLIN COUNTY

I, Drexell R. Davis, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the Office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the House of Representatives of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office, this 4th day of January, 1979.

s/DREXELL R. DAVIS
Secretary of State
Commonwealth of Kentucky

Members of the House of Representatives

1978 Kentucky General Assembly

1ST DISTRICT Ward "Butch" Burnette (D)
194 Brookwood
Fulton, Kentucky 42041

2ND DISTRICT Lloyd Clapp (D)
P.O. Box 85
Wingo, Kentucky 42088

3RD DISTRICT Alice H. "Dolly" McNutt (D)
105 Country Club Lane
Paducah, Kentucky 42001

4TH DISTRICT Linda Boatwright (D)
Route 2, Box 191 Place Drive
Paducah, Kentucky 42001

5TH DISTRICT Kenneth C. Imes (D)
201 S. Third Street
Murray, Kentucky 42071

6TH DISTRICT J. R. Gray (D)
Route 3, Jackson School Road
Benton, Kentucky 42025

7TH DISTRICT David E. Boswell (D)
Route 6, Box 95
Owensboro, Kentucky 42301

8TH DISTRICT Henry Ramsey Morris, Jr. (D)
Route 2
Hopkinsville, Kentucky 42240

9TH DISTRICT James E. Bruce (D)
Route 1, 41A South
Hopkinsville, Kentucky 42240

10TH DISTRICT	William T. "Bill" Brinkley (D) 311 Lake Street Madisonville, Kentucky 42431
11TH DISTRICT	Gross C. Lindsay (D) 783 Woodspoint Drive Henderson, Kentucky 42420
12TH DISTRICT	Roy Joe Head (D) Route 1 Providence, Kentucky 42450
13TH DISTRICT	Louis Johnson (D) 1511 Kent Place Owensboro, Kentucky 42301
14TH DISTRICT	Donald J. Blandford (D) Route 1, King Road Philpot, Kentucky 42366
15TH DISTRICT	Philip Stone (D) 620 Greenville Road Central City, Kentucky 42330
16TH DISTRICT	Lewis Foster (D) Route 2 Lewisburg, Kentucky 42256
17TH DISTRICT	Willard "Woody" Allen (R) Route 2, Box 123 Morgantown, Kentucky 42261
18TH DISTRICT	Mary Ann Tobin (D) U.S. 60 Irvington, Kentucky 40146
19TH DISTRICT	Ronny Layman (R) Route 1 Millwood, Kentucky 42762
20TH DISTRICT	Jody Richards (D) 1022 Ridgecrest Drive Bowling, Green, Kentucky 42101
21ST DISTRICT	Buddy H. Adams (D) Route 3 Bowling Green, Kentucky 42101
22ND DISTRICT	Buel E. Guy (D) Route 6 Scottsville, Kentucky 42164
23RD DISTRICT	Bobby H. Richardson (D) Route 7, Highway 31-E Glasgow, Kentucky 42141
24TH DISTRICT	Sam B. Thomas (D) Route 1 Lebanon, Kentucky 40033
25TH DISTRICT	Allen A. Craddock (D) 710 Woodland Road Elizabethtown, Kentucky 42701
26TH DISTRICT	Virgil L. Pearman (D) 952 North Woodland Drive Radcliff, Kentucky 40160

27TH DISTRICT Archie N. Romines, Sr. (D)
13312 Tennis Blvd.
Valley Station, Kentucky 40272

28TH DISTRICT James R. "Jim" Dunn (D)
5009 Maryman Road
Pleasurer Ridge, Kentucky 40258

29TH DISTRICT Al Bennett (D)
3518 Blanton Lane
Louisville, Kentucky 40214

30TH DISTRICT Thomas J. Burch (D)
4850 Brenda Drive
Louisville Kentucky 40219

31ST DISTRICT Mark D. O'Brien (D)
36 S. Sheridan Road
Louisville, Kentucky 40220

32ND DISTRICT Bruce Blythe (R)
516 Altagate Road
Lousville, Kentucky 40206

33RD DISTRICT Bob Benson (D)
2937 White Plains Road
Louisville, Kentucky 40218

34TH DISTRICT Gerta Bendl (D)
2403 Newburg Road
Louisville, Kentucky 40205

35TH DISTRICT Carl A. Nett (D)
1268 Lydia Street
Louisville, Kentucky 40217

36TH DISTRICT Claudia Riner (D)
1143 E. Broadway
Louisville, Kentucky 40204

37TH DISTRICT M. J. "Jerry" Kleier (D)
335 West Southside Court
Louisville, Kentucky 40214

38TH DISTRICT Dexter S. Wright (R)
526 S. Third Street
Louisville, Kentucky 40214

39TH DISTRICT Lawrence Ray Maynard (D)
1340 South 6th Street
Louisville, Kentucky 40203

40TH DISTRICT George R. Siemens, Jr. (D)
2919 1/2 Dixie Highway
Louisville, Kentucky 40216

41ST DISTRICT Mae Street Kidd (D)
2308 West Chestnut Street
Louisville, Kentucky 40211

42ND DISTRICT Aubrey Williams (D)
1310 Rosewell
Louisville, Kentucky 40211

43RD DISTRICT Carl R. Hines (D)
635 Southwestern Parkway
Louisville, Kentucky 40211

44TH DISTRICT	James Bernard Yates (D) 2035 Thurman Drive Shively, Kentucky 40216
45TH DISTRICT	Dottie Priddy (D) 9001 Whippoorwill Louisville, Kentucky 40229
46TH DISTRICT	Harold Haering (R) 7709 Zenith Way Louisville, Kentucky 40219
47TH DISTRICT	Edward L. Holloway (R) 10705 Sunderland Place Middletown, Kentucky 40243
48TH DISTRICT	Louis Guenthner, Jr. (R) 6103 Rhodes Drive Northfield, Kentucky 40222
49TH DISTRICT	Frank J. Smith (D) Box 222 Star Route Shepherdsville, Kentucky 40165
50TH DISTRICT	John Hurst (D) Route 1, Plum Run Road Bloomfield, Kentucky 40008
51ST DISTRICT	Herman W. Rattliff (R) Route 3 Campbellsville, Kentucky 42718
52ND DISTRICT	Raymond Overstreet (R) Riverview Estates Liberty, Kentucky 42539
53RD DISTRICT	Randolph Smith (R) Albany Road Monticello, Kentucky 42633
54TH DISTRICT	Joe Clarke (D) 420 Boone Trail Danville, Kentucky 40422
55TH DISTRICT	Forest Aggie Sale (D) 520 Beaumont Avenue Harrodsburg, Kentucky 40330
56TH DISTRICT	John V. Carpenter, Jr. (D) Route 4, Rainbow Drive Nicholasville, Kentucky 40356
57TH DISTRICT	C. M. "Hank" Hancock (D) 514 Murray Street Frankfort, Kentucky 40601
58TH DISTRICT	W. Stephen Wilborn (D) 614 Eighth Street Shelbyville, Kentucky 40065
59TH DISTRICT	Robert A. "Bob" Jones (D) Lot 22, Farmington Lane, Box 203 Crestwood, Kentucky 40014
60TH DISTRICT	William K. "Bill" McBee (D) 500 Florence Pike Burlington, Kentucky 41005

61TH DISTRICT Clay Crupper (D)
Wilorn Street
Dry Ridge, Kentucky 41035

62ND DISTRICT Mark Fitzgerald
Route 1
Cynthiana, Kentucky 41031

63RD DISTRICT Louis DeFalaise (R)
33 West Maple
Fort Mitchell, Kentucky 41011

64TH DISTRICT Charles O. Petty (D)
686 Ridge Road
Covington, Kentucky 41015

65TH DISTRICT John J. Isler (D)
1813 Jefferson Avenue
Covington, Kentucky 41014

66TH DISTRICT Elmer C. Dietz (D)
514 Linden
Ludlow, Kentucky 41016

67TH DISTRICT Terry L. Mann (D)
19 Douglas Drive
Newport, Kentucky 41071

68TH DISTRICT William "Bill" Donnermeyer (D)
333 Bonnie Leslie Avenue
Bellevue, Kentucky 41073

69TH DISTRICT Arthur L. Schmidt (R)
134 Winters Lane
Cold Spring, Kentucky 41076

70TH DISTRICT Pete Worthington (D)
P. O. Box 16
Ewing, Kentucky 41039

71ST DISTRICT Woody May (D)
West Liberty, Kentucky 41472

72ND DISTRICT Jim LeMaster (D)
256 Swigert Avenue
Lexington, Kentucky 40505

73RD DISTRICT Paul W. Richardson, Sr. (D)
72 Milwood
Winchester, Kentucky 40391

74TH DISTRICT Adrian K. Arnold (D)
Route 3
Mount Sterling, Kentucky 40353

75TH DISTRICT William G. Kenton (D)
343 Woodland Avenue
Lexington, Kentucky 40508

76TH DISTRICT Steven L. Beshear (D)
317 Mariemont Drive
Lexington, Kentucky 40505

77TH DISTRICT David L. Van Horn (D)
1024 Juniper Drive
Lexington, Kentucky 40504

78TH DISTRICT Dr. Jack Trevey (R)
5241 Tates Creek Pike
Lexington, Kentucky 40503

79TH DISTRICT Henry Clay List (D)
500 Laketower Drive, No. 59
Lexington, Kentucky 40502

80TH DISTRICT William Harold DeMarcus (R)
Route 2
Stanford, Kentucky 40484

81ST DISTRICT Dwight Wells (D)
Route 7
Richmond, Kentucky 40475

82ND DISTRICT Elvin Elmer Patrick (R)
Ballard Ford Road
Williamsburg, Kentucky 40769

83RD DISTRICT Marshall Davenport (R)
Eagles Nest - Route 3
Somerset, Kentucky 42501

84TH DISTRICT Lloyd McKinney (R)
Route 1, Box 305
McKee, Kentucky 40447

85TH DISTRICT Albert Robinson (R)
Route 6, Box 60
London, Kentucky 40741

86TH DISTRICT Jimmy White (D)
324 N. Main Street
Barbourville, Kentucky 40906

87TH DISTRICT George E. Stewart (D)
528 Kentucky Avenue
Pineville, Kentucky 40977

88TH DISTRICT Roger Noe (D)
Box 1124
Harlan, Kentucky 40831

89TH DISTRICT John R. Turner (D)
929 1/2 Highland Avenue
Jackson, Kentucky 41339

90TH DISTRICT Clay Gay (D)
Box 990
Hyden, Kentucky 41749

91ST DISTRICT Hoover Dawahare (D)
P. O. Box 540
Whitesburg, Kentucky 41858

92ND DISTRICT Bill Weinberg (D)
P. O. Box 386
Hindman, Kentucky 41822

93RD DISTRICT N. Clayton Little (D)
Hartley, Kentucky 41532

94TH DISTRICT Herbert "Herbie" Deskins, Jr. (D)
P.O. Box 423
Pikeville, Kentucky 41501

95TH DISTRICT James "Jitter" Allen (D)
Route 2, Box 82
Martin, Kentucky 41649

96TH DISTRICT George M. Plummer (R)
Route 2, Indian Hills Subdivision
Vanceburg, Kentucky 41179

97TH DISTRICT Leo Marcum (R)
Inez, Kentucky 41224

98TH DISTRICT Ronald R. Cyrus (D)
Route 1, E. K. Road
Greenup, Kentucky 41144

99TH DISTRICT Ray O. Brown (D)
Box 345
Sandy Hook, Kentucky 41171

100TH DISTRICT Charles R. Holbrook, III
1734 Dysard Hill
Ashland, Kentucky 41101

The roll was called. All members present except Representatives W. Allen, Burnette, Imes and Kleier.

Representative Isler moved that absent members be granted leave of absence in accordance with the rules of the House. Agreed.

Representative B. Richardson moved the nomination of Donald D. Jones as Constitutional Officer of Janitor for the House of Representatives. Agreed.

Representative B. Richardson moved that Donald D. Jones be elected to the position of Janitor.

On the roll call the vote was yeas 86-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

The motion that Donald D. Jones be elected to the position of Janitor was adopted.

The oath of office was administered to Donald D. Jones by Justice Calvin Aker.

Introduction of Bills and Resolutions

HR 1, by Representative B. Richardson: A RESOLUTION relating to procedures governing the 1979 Extraordinary Session of the House of Representatives.

HR 2, by Representative B. Richardson: A RESOLUTION inviting the pastors of Frankfort churches to open sessions of the House of Representatives with prayer during the 1979 Extraordinary Session.

HCR 3, by Representative B. Richardson: A CONCURRENT RESOLUTION inviting the Lieutenant Governor to address a joint session of the General Assembly.

Representative B. Richardson moved that the rules be suspended for the purpose of acting on **HR 1**, **HR 2**, and **HCR 3**. Agreed.

Representative B. Richardson moved the adoption of the following **HR 1**:

HR 1, A RESOLUTION relating to procedures governing the 1979 Extraordinary Session of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the officers elected by the House of Representatives for the Regular Session of 1978 be the same for the Extraordinary Session of 1979.

Section 2. That except as provided in Sections 3 and 4 of this resolution the Rules adopted by the House of Representatives for the Regular Session of 1978 be the same for the Extraordinary Session of 1979.

Section 3. That Rule 48 of the Rules of the House of Representatives be amended to read as follows:

Rule 48. Procedure in Committee. The rules of procedure in the House shall be observed in committee insofar as the same are applicable. The committee chairman, or the committee by majority vote in a regularly called meeting, shall post at least *one legislative day* [three calendar days] prior to their consideration the bills and resolutions to be considered by the committee at its next meeting, *and no* [provided that no bill or resolution shall be posted by the chairman or the committee by a majority vote unless and until a request for posting form has been filed with the committee chairman or secretary and approved as containing satisfactory information by the committee chairman. No] measure shall be considered except those posted. A list of the measures to be considered shall be filed with the Clerk at least *one legislative day* [three calendar days] prior to the meeting.

Section 4. That Rule 50 of the Rules of the House of Representatives be amended to read as follows:

Rule 50. Introduction of Bills. Bills and resolutions may be introduced by filing them in the Clerk's office at any time that her office is open. Bills and resolutions introduced by filing them in the Clerk's office after the House has concluded Item 4, in Rule 4, Order of Business, shall be considered as having been introduced the next succeeding legislative day. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Committee on Committees for reference to committee. [No bill or resolution having the force of law, shall be introduced during the last ten (10) legislative days of the session. The last two legislative days shall be reserved by the House exclusively for the business of concurring in amended House bills.].

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Head, Hines, Isler, Johnson, Jones, Kenton, LeMaster, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Trevey, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 3-Bruce, Gray, Holbrook.

HR 1 was adopted.

Representative B. Richardson moved the adoption of the following **HR** 2:

HR 2, A RESOLUTION inviting the pastors of Frankfort churches to open sessions of the House of Representatives with prayer during the 1979 Extraordinary Session.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Sergeant at Arms be directed to invite the pastors of the various Frankfort churches to attend the meetings of this House and open sessions thereof with prayer during the Extraordinary Session beginning January 8, 1979.

HR 2 was adopted by voice vote.

Representative B. Richardson moved the adoption of the following **HCR** 3:

HCR 3, A CONCURRENT RESOLUTION inviting the Lieutenant Governor to address a joint session of the General Assembly.

WHEREAS, the present extraordinary session of the General Assembly has been convened upon the call of the Lieutenant Governor; and

WHEREAS, those items listed by Lieutenant Governor Stovall in her initial proclamation are of major consequence to all citizens of Kentucky, and are far reaching in their scope; and

WHEREAS, it has long been the custom of the General Assembly, when in extraordinary session, to invite the executive officer having issued the call therefor to appear before a joint session to offer counsel and guidance toward the disposition of those matters having brought about such sessions;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Honorable Thelma Stovall, Lieutenant Governor of Kentucky and President of the Senate, be and she is hereby invited to address a joint session of the General Assembly at a convenient hour on Monday, January 8, 1979.

HCR 3 was adopted by voice vote.

The Speaker appointed the following Committee to wait upon the Honorable Thelma L. Stovall, Lieutenant Governor and President of the Senate: Representatives DeMarcus, Isler, Brinkley and Lindsay.

The Committee appointed to wait upon the Lieutenant Governor reported that the Lieutenant Governor was ready to address a Joint Session of the General Assembly.

Joint Session

The Speaker vacated the Chair, whereupon the Honorable Joseph W. Prather, President Pro Tempore of the Senate, assumed the Chair and called the Joint Session to order.

Representative B. Richardson moved that the Joint Session of the House and Senate dispense with the call of the roll. Agreed.

Prayer by the Reverend Bob Brown of the Trinity Baptist Church, Lexington.

The Committee of the House appointed to join with a like Committee of the Senate to wait upon the Lieutenant Governor and escort her to the House to address the Joint Session appeared upon the floor of the House.

Lieutenant Governor Thelma L. Stovall addressed the Joint Session of the General Assembly.

Ladies and Gentlemen.

At the very beginning of these remarks, I want to express to each of you my personal gratitude. If I have correctly judged the temper of the people of Kentucky they, too, will be grateful that you have assembled here.

As I am given light to see, you have assembled here in the name of the people of Kentucky. I am only the elected officer who afforded you this opportunity. As I am given the intelligence to understand the desires of the people who elected both you and me, you have assembled to correct injustices which should not be permitted to continue:

Most of the injustices which the people ask you to correct are so clear that no voice has been raised to defend them. Those things which have been proven to be wrong seldom find a defender.

Is it just — or right — or fair — that an innocent offender of a minor traffic ordinance be fined heavily or imprisoned? The people of Kentucky believe this is unjust and you have the opportunity to correct it.

Is it just — or fair — or reasonable — that the heavy hand of the tax collector destroy the incentive of the small farmer to tend his modest acres? Is it just — or fair — or right — that the owner of a modest home — whether it be on a farm or in any of the pleasant towns across Kentucky — be taxed to the point where he must lose his home or, perhaps, get a job "moonlighting" to pay his taxes?

Is it just — or fair - or right — that the people of Kentucky who have outlived their productive years be called upon to pay — from their social security checks — or their earned retirement — a tax on the use of utilities from which comes their light and heat and water?

Is it just — or fair — or right — that our older citizens be denied a credit on their state income tax returns that will provide them with the relief that Congress intended?

Is it just — or fair — or right — that the fuel adjustment clause — with which each of us is burdened — be imposed upon Kentuckians — rich and poor alike — large and small alike — unless utilities are required to demonstrate beyond reasonable doubt that such a charge must be imposed in order to permit them to operate at a reasonable profit?

Without outlining in detail the subjects of the call I want to tell you that, in my humble opinion, none of these things which I have recited are fair — or just — or right. I have traveled Kentucky from East to West and from North to South. I have talked to thousands of Kentuckians and these things are uppermost in their minds. These things are resented deeply and bitterly; you may be assured the people of Kentucky will see to it that they are corrected.

I think I know the concerns of the average Kentuckian, for I am one of them. I have been compelled to face squarely the question of whether I would permit these injustices to go on or, by the authority vested in me, give you an opportunity to correct them.

I pondered the question for many weeks and I concluded that I could not escape my own conscience. In my view, these things are wrong and I determined to give you an opportunity to make them right.

There are those who say that if we listen to the clear, certain and unmistakable demands of a majority of Kentuckians we must change our budget priorities. If this is true, let them be changed.

If the size of the Kentucky Air Force must be reduced from 15 planes to half a dozen or so, then let it be reduced; if the number of personal flights in planes bought with the hard earned money of Kentuckians must be reduced, then let it be so.

The time has come and now is here when, in fairness, in justice and in mercy we must rearrange the priorities of our government. If the rearrangement requires fewer golf courses and club houses and provides more food for the hungry — clothes for the naked and shelter from the cold — then, in my view, the golf courses and club houses must be given a lower priority.

What manner of government is it that spends eight million dollars from a contingency fund to finance the froth and fringes of our way of life while a majority of our people cry out against the whiplash of the tax collector.

I bear no malice toward golf — and toe dancing; I applaud the arts and the artists; as is the case of most Kentuckians, I thrill to the hoofbeat of thoroughbreds as they flash like light beneath the wire — but over and above and beyond these things I give first priority to the plain and simple needs of plain and simple people.

Let there be no doubt about it, there is money in the Treasury and to spare; when an administration may divert from the capital construction contingency fund a quarter million dollars to build a golf club house in the chief executive's home town and finance a variety of other adventures of doubtful value, there is enough to reduce the taxes that rest so heavily on the backs of so many Kentuckians.

The administration has been free to pick and choose millions of dollars which were conferred with a lavish hand on those it chose to endow. The great mass of people has carried the load of the administration's generosity to a few.

If you choose to act favorably upon the suggestions which I have included in my legislative program, the cost to the Treasury will be about seventy-three million dollars. These were the estimates with which I was furnished and the Commissioner of Revenue agreed. No one reasonably can contend that out of a seven and half billion dollar budget there cannot be at least one percent "fat".

When I presented my legislative program I was urging the members of the General Assembly to recognize yourselves as a separate and distinct branch of government with powers equal to any executive. It is my thinking that each branch should exercise its proper constitutional authority, the executive recommending — the legislative enacting. Your response has been rewarding — it proves my faith in you is well founded. The fact that many bills were prepared for introduction today and well over 130 bill drafts have been requested shows that so many of you are willing to shoulder the responsibilities of equality and independence. I sincerely want you all to know how proud I am to be associated with you.

You have responded to my belief that the executive should make recommendations and the legislative should enact or appropriate, each in our proper role.

Therefore, tomorrow, I will provide each of you with my fiscal program. My fiscal program will make recommendations regarding funding sources as well as issues suitable for your inquiry.

Responsible fiscal officers of the state will be available for your interrogation. They will furnish you the figures which will support the statements I make — if you diligently pursue the facts.

Always there is the cry that the Legislature is entitled to greater independence. Always there is resentment — implied or expressed — that you must beat a path to the first floor to find out what bill to support. You have sought independence — and now you have it. Your duty is as clear as mine. If we flag or fail — if we hesitate or vacillate — history will hold us responsible.

I have a deep interest in the subjects before you. I have advocated them on many occasions. I am aware of the fact that the presiding officer of the Senate must be objective — not biased to the point where the voice of any Senator is not heard. I feel that it is inappropriate for me to preside over the debate on these matters concerning which I feel so very strongly.

I consider it altogether appropriate that I ask the President Pro Tem of the Senate to preside in order that I shall have an opportunity — along with you — to express my own opinions. Whenever the President Pro Tem desires to debate any issue or cast a vote on any matter before the Senate making it appropriate for me to resume the Chair, he need only make known his wishes to me.

The matter now is in your hands, ponder these things in your heart — act upon them according to your judgment and in the best interest of your state. The only excuse for government is to serve those people who are governed. If you serve them poorly you have failed your great responsibility. If you serve them well they will remember.

And so, as Lincoln said, "With charity for all and malice toward none", I submit to you ladies and gentlemen these matters of government which I consider to be of first importance to you.

Representative B. Richardson moved that the Joint Session of the House and Senate be dissolved. Agreed.

The Speaker resumed the Chair.

Introduction of Bills and Resolutions

HB 1, by Representatives Morris and Bruce: AN ACT relating to fines.

HB 2, by Representatives Wright, Haering, Layman, Plummer and R. Smith: AN ACT relating to welfare fraud.

HB 3, by Representative Noe: AN ACT relating to public utility rates.

HB 4, by Representative Romines: AN ACT relating to bail bonds.

HB 5, by Representative Kleier: AN ACT relating to public utility rates.

HB 6, by Representative Romines: AN ACT relating to court costs.

HB 7, by Representative B. Richardson: AN ACT relating to the provision of office space for probation, parole and conditional release officers.

HB 8, by Representatives DeMarcus and R. Smith: AN ACT relating to individual income tax.

HB 9, by Representatives DeMarcus and R. Smith: AN ACT relating to jailer's fees.

HB 10, by Representatives DeMarcus, Plummer, Gay and R. Smith: AN ACT relating to sales and use taxes.

HB 11, by Representatives DeMarcus and R. Smith: AN ACT relating to fines.

HB 12, by Representatives Fitzgerald and List: AN ACT relating to property tax.

HB 13, by Representative Fitzgerald: AN ACT relating to medical care for prisoners in county jails.

HB 14, by Representative Fitzgerald: AN ACT relating to court costs.

HB 15, by Representatives Fitzgerald and List: AN ACT relating to income taxes.

HB 16, by Representatives Fitzgerald and List: AN ACT relating to sales and use tax.

HB 17, by Representatives Bruce, Brinkley, Morris, Trevey and Van Horn: AN ACT relating to sales and use taxes.

HB 18, by Representatives Trevey and R. Smith: AN ACT relating to sales and use taxes.

HB 19, by Representative B. Richardson: AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

HB 20, by Representatives F. Smith and Mann: AN ACT relating to income taxes.

HB 21, by Representative F. Smith: AN ACT relating to property tax.

HB 22, by Representatives Tobin, Schmidt, Brown, Holloway, McNutt and Beshear: AN ACT relating to motor vehicles.

HB 23, by Representative Little: AN ACT relating to sales and use taxes.

HB 24, by Representative Little: AN ACT relating to public utility rates.

HB 25, by Representative Little: AN ACT relating to fines.

HB 26, by Representatives Stone, Brinkley, Burch and Weinberg: AN ACT relating to court costs and bail costs.

HB 27, by Representatives Stone and Brinkley: AN ACT relating to sales and use taxes.

HJR 4, by B. Richardson: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Extraordinary Session of 1979 of the General Assembly, and declaring an emergency.

HR 5, by Representative DeFalaise: A RESOLUTION requesting the Congress of the United States to permanently resolve the issues of the tax home and legislative business per diem deductions applicable to members of the legislatures of the several states.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Committees. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to Order.

Representative B. Richardson moved that the rules be suspended to read the Committee on Committees Report. Agreed.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 8, HB 10, HB 12, HB 15, HB 16, HB 17, HB 18, HB 19, HB 20, HB 21, HB 23.**

Counties and Special Districts: **HB 7, HB 9, HB 13.**

Highways and Traffic Safety: **HB 1, HB 11, HB 14, HB 25.**

Judiciary-Courts: **HB 4.**

Judiciary-Statutes: **HB 2, HB 6.**

Public Utilities and Transportation: **HB 3, HB 5, HB 22, HB 24.**

Motions, Petitions and Communications

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsors requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative LeMaster, **HB 14**; Representative Romines, **HB 1**.

Representative Cyrus moved the adoption of the following Legislative Citation No. 1:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Russell High School Red Devils football team and Coah Ivan Maglone for winning the 1978 Class AAA state championship.

This body extends best wishes to Coach Maglone and the Red Devils team for their winning efforts and for their continued success. (Sponsored by Representative Cyrus.)

Agreed.

Announcements

The Clerk announced Fuel Adjustment Hearings will be held in the Senate Chamber on Tuesday, January 9, 1979, Wednesday, January 10, 1979 and Thursday, January 11, 1979.

Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., January 9, 1979.

On the roll call the vote was yeas 68-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Clapp, Craddock, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Foster, Gray, Guy, Haering, Head, Holbrook, Holloway, Isler, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Trevey, Van Horn, Weinberg, Wells, Wilborn, Williams, Wright, Yates. Nays 3-J. Allen, Guenthner, P. Richardson.

The motion to adjourn was adopted.

TUESDAY, JANUARY 9, 1979

SECOND LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend J. T. Harmon of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Burnette, Kleier, Trevey and J. Turner.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 8, 1979, be dispensed with and the same approved. Agreed.

The Speaker vacated the Chair. Speaker Pro Tempore Clapp presiding.

Introduction of Bills and Resolutions

HB 28, by Representative Noe: AN ACT relating to railroads.

HB 29, by Representatives Rattliff, Trevey, Marcum, Schmidt, DeMarcus, McKinney, Haering, W. Allen, DeFalaise, Plummer, Layman, Holbrook, Davenport, Gay and Patrick: AN ACT relating to individual income tax.

HR 6, by Representatives F. Smith, Wilborn and Clapp: A RESOLUTION in memory of James R. Russell.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HJR 4.**

Judiciary-Statutes: **HB 26.**

Public Utilities and Transportation: **HB 27.**

State Government: **HR 5.**

Motions, Petitions and Communications

Representative Donnermeyer announced a Majority Caucus on recess in the State Reception Room.

Representative Rattliff announced a Minority Caucus on recess in Room 305.

Recess

Representative Donnermeyer moved to recess for thirty minutes. Agreed.

At the appointed hour, the President Pro Tempore resumed the Chair and called the House to order.

Motions, Petitions and Communications (Continued)

Representative F. Smith moved to suspend the rules to act upon a resolution. Agreed.

Representative F. Smith moved the adoption of the following **HR 6**:

HR 6, A RESOLUTION in memory of James R. Russell.

WHEREAS, James R. Russell, former Frankfort Bureau Chief of the *Courier-Journal*, has been struck down in the prime of his life; and

WHEREAS, no follower of public matters in Kentucky has remained unfamiliar with the writings of James Russell and his keen insight into topics political and governmental; and

WHEREAS, those fortunate enough to have known and worked with James Russell are grieved sorely by his loss, and have suffered a sense of tragic deprivation of his wit, compassion, knowledge and spirit of friendship;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this House does express hereby its grief and sorrow upon the death of James R. Russell, and extends its heartfelt sympathy to his family.

Section 2. That when the House does adjourn this day, January 9, 1979, it does so in honor and loving memory of James R. Russell.

Section 3. That the Clerk be directed to transmit a copy of this resolution to the family of James R. Russell.

HR 6 was adopted by voice vote.

Representative Wilborn moved that his remarks concerning J. Russell be spread upon the Journal. Agreed.

Jim Russell died last Sunday and I and you lost a good friend. It was not that we had known him so long that made him our friend — it was that with a wry smile and sharp wit that he shared with us this insitution we call government. He laughed with us and in so doing allowed us to laugh at ourselves. Our foibles were many times the source of his stories — his stories were many times the source of our enjoyments, now all too rare, in this game of politics.

He left us too soon — We were not ready for the vacuum created by this man's passing, — The stories yet unwritten — the poems still unworded dreams — too soon — too soon —, And yet it isn't a calamity to die with dreams unfulfilled — only to have passed this way with no dreams at all.

Carlysle once said "Show me the man you honor, and I will know what kind of a man you are, for it shows me what your ideal of manhood is, and what kind of a man you long to be." We honor Jim Russell today — for what he was — for what he did — and for what his talent, humor, and dreams have made us.

Thank you, Jim. Thank you.

Announcements

The Chairmen of the following committees announced cancellation of meetings scheduled for tomorrow: Judiciary - Statutes, Education, Elections and Constitutional Amendments and Highways and Traffic Safety.

Representative Clarke announced a meeting of Appropriations and Revenue in Room A on January 10, 1979 at 10:00 A.M.

Representative Adams announced a meeting of Health and Welfare in Room 327 on January 10, 1979 at 9:30 A.M.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsors requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative McKinney, **HB 23**, **HB 11** and **HB 8**; Representative Patrick, **HB 2**; Representative Haering, **HB 11**, **HB 10** and **HB 8**; Representative Arnold, **HB 12**, **HB 13**, **HB 15** and **HB 16**.

Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 P.M., January 10, 1979.

On the roll call the vote was yeas 71-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gay, Gray, Haering, Hines, Holloway, Hurst, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn. Nays 10-J. Allen, W. Allen, Deskins, Guenthner, Guy, Holbrook, Overstreet, Richardson, P.,Worthington, Wright.

The motion to adjourn was adopted.

WEDNESDAY, JANUARY 10, 1979

THIRD LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Danny Brummett of the Capital Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Blythe, Kleier, Stewart and Turner.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 9, 1979, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 30, by Representatives Guenthner, Overstreet, Holbrook, Patrick, Holloway and Riner: AN ACT relating to the General Assembly and agencies and members thereof.

HB 31, by Representatives Burch, Yates and Maynard: AN ACT relating to refund of General Fund Surplus.

HB 32, by Representatives Donnermeyer and Mann: AN ACT relating to sales and use taxes.

HB 33, by Representative Imes: AN ACT relating to sales and use tax.

HCR 7, by Representative List: A CONCURRENT RESOLUTION recognizing the rapidly increasing cost of energy.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 29.**

Public Utilities and Transportation: **HB 28.**

Recess

Representative B. Richardson moved to recess for fifteen minutes to allow committee chairmen to meet. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

The following communication was received from Representative Trevey.

January 10, 1979

Hon. William G. Kenton
Speaker, Kentucky House of Representatives
311 Capitol Building
Frankfort, Kentucky 40601

Dear Mr. Speaker:

I hereby tender to you as presiding officer and Speaker of the Kentucky House of Representative my resignation as Representative of the Seventy-eighth Legislative District, effective this 10th day of January, 1979, due to my election to the Twelfth Senatorial District of the General Assembly.

Very truly yours

/s/Dr. John E. Trevey
Representative
78th Legislative District

JT

cc: Sara Bell, Clerk
House of Representatives

The Speaker submitted the following communication.

January 10, 1979

Dr. John E. Trevey
Representative, 78th Legislative District
Lexington, Kentucky

Dear Dr. Trevey:

I hereby acknowledge, as presiding officer and as Speaker of the Kentucky House of Representatives, your letter of resignation as Representative of the Seventy-eighth Legislative District.

As presiding officer of the Kentucky House of Representatives, I hereby accept your resignation this 10th day of January, 1979.

Sincerely,

/s/William G. Kenton
Speaker

WGK:drb

The Speaker vacated the Chair. Speaker Pro Tempore Clapp presiding.

Representative Davenport moved the adoption of the following Legislative Citation No. 2:

The House of Representatives of the Commonwealth of Kentucky hereby honors Representative Jack Trevey for his service to his community and state during his tenure as representative of District 78. Representative Trevey's dedication and contributions to his constituents is worthy of recognition. He is commended by this body for his achievements and best wishes are extended to him. (Sponsored by Representative Davenport.)

Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsors requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Dietz, **HB 32**; Representative Petty, **HB 32**; Representative Romines, **HB 3**, **HB 5**, **HB 14**, **HB 17**, **HB 23**, **HB 24**, **HB 25**, **HB 26**, **HB 28**; Representative Patrick, **HB 1**, **HB 5**, **HB 7**, **HB 9**, **HB 10**, **HB 17**, **HB 18**, **HB 26**.

Announcements

Representative B. Richardson announced a Democratic Caucus in Room 307 on adjournment.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue in Room A at 10:00 A.M. on Thursday, January 11, 1979.

Representative B. Richardson moved to suspend the rules to allow posting for Committee consideration. Agreed.

Posting of Bills and Resolutions

The Clerk announced the following Bill has been posted for Committee consideration:

Appropriation and Revenue: **HJR 4.**

Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., January 11, 1979.

On the roll call the vote was yeas 71-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Dunn, Foster, Gay, Guenthner, Haering, Hancock, Hines, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, McKinney, Nett, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 10-Brinkley, Deskins, Gray, Guy, Head, Holbrook, Overstreet, P. Richardson, Williams, Wright.

The motion to adjourn was adopted.

THURSDAY, JANUARY 11, 1979

FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend John Hunt of the South Frankfort Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Guenthner and Kleier.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 10, 1979, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 34, by Representative Yates: AN ACT relating to prescription eyeglasses.

HB 35, by Representative Romines: AN ACT relating to traffic offenses.

HB 36, by Representative Romines: AN ACT relating to revenue and taxation.

HB 37, by Representatives LeMaster and List: AN ACT relating to electric utility rates.

HCR 8, by Representatives Patrick, Schmidt, R. Smith, Plummer, Davenport, Gay, Rattliff, Weinberg, Beshear, Brinkley, Arnold, Williams, Kidd, Priddy, Yates, Siemens, Stone, Fitzgerald, Thomas, Wright, Dawahare, Little, McBee, Guenthner, Holbrook, Layman, DeMarcus, Romines, B. Richardson, Guy and Overstreet: A CONCURRENT RESOLUTION urging stronger enforcement of state highway littering laws.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 30, HB 31, HB 32, HB 33.**

State Government: **HCR 7.**

Report of Committees

The Committee on Appropriations and Revenue reported **HJR 4** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HJR 4, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for expenses incurred in connection with the Extraordinary Session of 1979 of the General Assembly, and declaring an emergency.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there be appropriated from the General Expenditure Fund to the Legislative Sessions Fund, for the payment of salaries and other expenses of the Extraordinary Session of 1979 of the General Assembly, the sum of $18,635 per calendar day during the Extraordinary Session of 1979.

Section 2. That there be transferred from the Monthly Expenses of Legislators' Account to the Legislative Sessions Fund the amount of $3,338 per calendar day to be used for necessary expenses during the Extraordinary Session of 1979.

Section 3. That there be appropriated from the General Expenditure Fund to the Legislative Sessions Fund the sum of $15,000 to pay for the cost of printing the Acts and Journals of the Extraordinary Session of 1979.

Section 4. That there be appropriated from the General Expenditure Fund to the Legislative Sessions Fund the sum of $25,300 to pay the cost of travel and stationery allowance for the Extraordinary Session of 1979.

Section 5. Whereas, the General Assembly is now in session and it is necessary that funds be made available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to personnel from and including December 11, 1978, and retroactive to include payment for necessary expenses incurred in preparation for the Extraordinary Session of 1979 of the General Assembly.

Announcements

Representative Clarke announced a Joint Appropriations and Revenue meeting in the House Chamber at 11:00 a.m. on Friday, January 12, 1979. Governor Carroll will address the Joint Committee.

Adjournment

Representative B. Richardson moved that the House adjourn until 10:00 a.m., January 12, 1979.

On the roll call the vote was yeas 67-Arnold, Bendl, Bennett, Benson, Beshear, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Jones, Kenton, Kidd, Layman, List, Mann, Marcum, May, Maynard, McBee, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wilborn, Worthington. Nays 11-Adams, Blythe, DeFalaise, Deskins, Guy, Morris, Overstreet, Patrick, P. Richardson, Williams, Yates.

The motion to adjourn was adopted.

FRIDAY, JANUARY 12, 1979

FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Dennis W. Jones of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Adams, Benson, Blythe, Dunn, Guenthner, Imes, Johnson, Kleier, Stewart, Dawahare and Williams.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 11, 1979, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 38, by Representatives B. Richardson, Weinberg, Stone, McBee, J. Allen, Stewart, Turner, Robinson, White, and Dawahare: AN ACT creating a small miners' assistance program.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 34, HB 36.**

Judiciary-Statutes: **HB 35.**

Public Utilities and Transportation: **HB 37.**

State Government: **HCR 8.**

Calendar

HJR 4 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Holbrook moved to suspend the rules to introduce and act on a resolution. Agreed.

HR 9, by Representative Holbrook: A RESOLUTION to adjourn the House of Representatives in memory and honor of William E. Fanning.

HR 9, A RESOLUTION to adjourn the House of Representatives in memory and honor of William E. Fanning.

WHEREAS, William E. Fanning served the citizens of Ashland as a practicing attorney; and

WHEREAS, William E. Fanning advanced the cause of justice while serving as Boyd Circuit Judge; and

WHEREAS, the many accomplishments of William E. Fanning have won him admiration and are worthy of notice and commendation by this body;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, Friday, January 12, 1979, it does so in honor and memory of William E. Fanning.

Section 2. That the clerk be directed to transmit a copy of this resolution to the family of William E. Fanning.

Representative Holbrook moved the adoption of **HR 9.**

HR 9 was adopted by voice vote.

Representative Brown requested a copy of **HR 9** be sent to the widow of William E. Fanning. Agreed.

Announcements

Judiciary-Courts meeting for Tuesday, January 16, 1979, at 8:00 a.m. has been cancelled and changed to Wednesday, January 17, 1979 at 10:30 in Room B. This will be a Joint Committee meeting.

Appropriations and Revenue will meet in Room A on Tuesday, January 16, 1979 at 10:00 a.m.

Democratic Caucus will meet Monday, January 15, 1979 at 3:00 p.m. in the State Reception Room.

Motions, Petitions, and Communications (continued)

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills:

Representative Rattliff, **HB 10** and **HB 30**; Representative Marcum, **HB 18, HB 10, HB 11, HB 8, HB 30, HB 9** and **HB 2**; Representative Petty, **HB 27**; Representative F. Smith, **HB 3**; Representative List, **HB 14.**

The following member filed a request to have his name withdrawn as co-sponsor of a Bill: Representative Romines, **HB 28.**

Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., Tuesday, January 16, 1979.

On the roll call the vote was yeas 46-Arnold, Bendl, Bennett, Beshear, Boatwright, Brown, Bruce, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, DeMarcus, Dunn, Foster, Haering, Holloway, Isler, Jones, Kenton, Layman, Little, Mann, May, Maynard, McKinney, Morris, Nett, Noe, Pearman, Plummer, Priddy, Richards, B. Richardson, Riner, F. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington. Nays 21-J. Allen, Boswell, Davenport, DeFalaise, Deskins, Gray, Guy, Hancock, Head, Holbrook, LeMaster, List, Marcum, Overstreet, Rattliff, P. Richardson, Robinson, Romines, Schmidt, Wright, Yates.

The motion to adjourn was adopted.

TUESDAY, JANUARY 16, 1979

SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Mr. Wesley Jones, Greenwood Park Church of Christ, Bowling Green, Kentucky.

The roll was called. All present except Representatives Kleier, Fitzgerald and Gay.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 12, 1979, be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 39, by Representatives Dietz, Isler, Petty, Crupper, and P. Richardson: AN ACT relating to sales and use taxes.

HB 40, by Representative Guy: AN ACT relating to interest charged by banks and trust companies.

HB 41, by Representative Van Horn: AN ACT relating to public utilities.

HR 10, by Representative Kidd: A RESOLUTION relating to surplus property.

HR 11, by Representative B. Richardson: A RESOLUTION amending Rule 49 of the Rules of the House of Representatives.

HR 12, by Representatives Van Horn, LeMaster and Kenton: A RESOLUTION to adjourn the House of Representatives in memory and honor of Monroe Leer Buckley.

HR 13, by Representative Brown: A RESOLUTION honoring Fred M. Vinson.

Senate Message

Announcing passage of **SB 8** and **SB 9**.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bill:

Agriculture and Natural Resources: **HB 38**.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **HR 5, HCR 7, HCR 8**.

Agriculture and Natural Resources: **HB 38**.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp assumed the Chair.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes for a meeting of Committee Chairmen in Room 307. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Lindsay announced a joint meeting of the Committee on Judiciary-Courts on Wednesday, January 17, 1979 at 10:30 a.m. in Room B.

Representative Carpenter moved the adoption of the following Legislative Citation No. 3:

The House of Representatives hereby recognizes the Jessamine County High School Band of Nicholasville, Ky., which has been invited on a four country European tour by the Arts Council of Central Europe. The band, which has consistently maintained a standard of excellence in competition and has never received a rating less than superior in state marching and concert festivals, was selected upon the recommendation of college and university music educators. We commend these musical representatives of the Commonwealth and extend them our congratulations and best wishes. Sponsored by Representative Carpenter.

Agreed.

Representative Brown moved the adoption of the following **HR 13**:

HR 13, A RESOLUTION honoring Fred M. Vinson.
WHEREAS, Fred M. Vinson rose from humble origins to become one of the outstanding public servants of the twentieth century; and
WHEREAS, this native of Louisa, Kentucky, served with efficiency, dignity and integrity in all three branches of government as a congressman, war-time administrator, Secretary of the Treasury and Chief Justice of the United States; and
WHEREAS, Fred M. Vinson was paid tribute by the two Presidents under whom he served for his statesmanship, his leadership, his keen mind and his exemplary character; and
WHEREAS, twenty-five years following his death, the U. S. Postal Service will consider issuing a commemorative stamp in recognition of Fred M. Vinson's legacy of dedicated public service;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby honor the memory of Fred M. Vinson for his many years of distinguished public service.
Section 2. That the House does go on record as favoring the issuance of a commemorative stamp honoring the late Chief Justice Vinson.
Section 3. That the Clerk is hereby directed to forward copies of this resolution to Postmaster General William F. Bolger and the Citizens' Stamp Advisory Committee.

HR 13 was adopted by voice vote.

Representative Kidd moved the adoption of the following **HR 10**:

HR 10, A RESOLUTION relating to surplus property.
WHEREAS, there exists a great need for construction of new school facilities and renovation of existing facilities; and
WHEREAS, surplus properties would provide an additional source of revenue;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the duly elected school boards of each local school district of the Commonwealth be notified that the House of Representatives urges that all surplus properties be sold as quickly as possible in accordance with KRS 156.022 and related administrative regulations (702 KAR 2:010 through 702 KAR 2:100), and that proceeds from such sales be deposited in the local district's school building fund to be expended for purposes established by KRS 160.476.

HR 10 was adopted by voice vote.

Representative Kidd moved that a call of the roll be taken to show co-sponsors of HR 10. Agreed.

The following members requested that their names be added as co-sponsors of HR 10: Bendl, Bennett, Benson Brinkley, Brown, Burnette, Craddock, Cyrus, Dawahare, DeFalaise, DeMarcus, Dunn, Foster, Guenthner, Hancock, Hines, Holbrook, Isler, Kidd, Mann, Marcum, McKinney, McNutt, Morris, Noe, Patrick, Pearman, Petty, Plummer, Priddy, Richards, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Weinberg, Williams, Wright, Yates.

Representative Van Horn moved the adoption of the following HR 12:

HR 12, A RESOLUTION to adjourn the House of Representatives in memory and honor of Monroe Leer Buckley.

WHEREAS, Monroe Leer Buckley, a distinguished graduate of Yale Law School, devoted his skills and talents as an attorney for the betterment of the citizens of Lexington and Central Kentucky; and

WHEREAS, Monroe Leer Buckley was an honored and distinguished member of the Fayette County Bar Association and the Kentucky and American Bar Associations; and

WHEREAS, Monroe Leer Buckley actively participated in such noteworthy organizations as the Sons of the Revolution and various Masonic orders; and

WHEREAS, Monroe Leer Buckley strived to advance the human condition of his fellow Kentuckians while serving in the State House of Representatives, as well as, the State Senate; and

WHEREAS, Monroe Leer Buckley's personal and professional contributions have won him admiration and are worthy of appreciation and commendation by this body;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section. 1. That when the House of Representatives does adjourn this day, Tuesday, January 16, 1979, it does so in memory and honor of Monroe Leer Buckley.

Section 2. That the clerk be directed to transmit a copy of this resolution to the family of Monroe Leer Buckley.

HR 12 was adopted by voice vote.

Representative B. Richardson moved the adoption of the following HR 11:

HR 11, A RESOLUTION amending Rule 49 of the Rules of the House of Representatives.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Rule 49 of the Rules of the House of Representatives be amended to read as follows:

Rule 49. Form of Bills. All bills introduced shall be typewritten on the Automated Legal Text Entry and Revision System of the Legislative Research Commission, and none otherwise prepared shall be accepted for introduction. Bills shall be offered as one original and three distinctly legible copies. Identical bills for introduction in the other chamber may be exact reproductions of original bill provided one copy is authenticated by the Director of the Legislative Research Commission as the original to be introduced in the other chamber. The original shall be the official bill, and shall be retained by the Clerk for the use of the House until engrossed and sent to the Senate. One copy shall be used by committees; one copy shall be for the use of the press and shall be given to a person designated by the press club; and one copy shall be given to the Legislative Research Commission. Each copy shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the member introducing the bill shall be placed on each cover. *Members may designate themselves as joint-sponsors, in which case the names of such members shall be listed alphabetically on the printed bill.*

In all bills, as introduced and as printed, which seek to amend existing sections of the Kentucky Revised Statutes, any new matter contained therein shall be underscored; and when an amendment proposes the omission or elimination of matter in an existing law, such omission or elimination shall be indicated on the typewritten bill and on the printed bill by placing the material proposed to be eliminated in brackets. The Clerk shall refer to the Legislative Research Commission any bills offered for introduction not conforming with the Automated Legal Text Entry and Revision System method of preparation, or with this format for revision as to form. The Enrolling Clerk in enrolling a bill which contains deleted material appearing in brackets shall strike over such deleted matter.

HR 11 was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended for Introduction of Bills and Resolutions during the announcement period. Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsors requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Imes, HB 1; Representative McKinney, HB 38; Representative List, HR 12; Representative Noe, HB 38; Representative Marcum, HR 13; Representative Beshear, HR 12; Representative Romines, HB 34.

Representative B. Richardson moved that no other business be conducted on this day other than Announcements and continuation of Introduction of Bills and Resolutions. Agreed.

Representative B. Richardson moved that the rules be suspended to allow the House to adjourn by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns on this day it do so until Wednesday, January 17, 1979 at 2 p.m. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Announcements

Representative Richards announced a meeting of the Committee on Education on Wednesday, January 17, 1979 at 10 a.m. in Room 327.

The Clerk announced a meeting of the Committee on Counties and Special Districts on Wednesday, January 17, 1979 at 9 a.m. in Room 305.

Representative LeMaster announced the cancellation of the regular meeting of the Committee on Judiciary-Statutes.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue on January 17, 1979 at 10 a.m. in Room A.

Representative Imes announced a meeting of the Committee on State Government 30 minutes after adjournment on Wednesday, January 17, 1979.

Representative Clapp announced a meeting of the Budget Cut Policy Group in his office upon adjournment this day.

Representative Donnermeyer announced a Majority Caucus on adjournment Wednesday, January 17, 1979 in the State Reception Room.

Representative Hancock announced a meeting of the Committee on Highways and Traffic Safety on Wednesday, January 17, 1979 at 10 a.m. in Room C.

Introduction of Bills and Resolutions (continued)

HB 42, by Representatives Van Horn and Patrick: AN ACT relating to aircraft.

HB 43, introduced jointly by Representatives Adams, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Head, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, May, McBee, Morris, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, Stone, Thomas, Tobin, Wells, White, Worthington, and Yates: AN ACT relating to sales and use tax.

HB 44, introduced jointly by Representatives Arnold, Bendl, Bennett, Benson, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Cyrus, Dawahare, Deskins, Donnermeyer, Dunn, Hurst, Imes, Isler, Jones, Kenton, Kidd, List, Little, Mann, May, McBee, Nett, Noe, O'Brien, Petty, Priddy, B. Richardson, Romines, Siemens, Stone, Wells, White, Worthington, and Yates: AN ACT relating to revenue and taxation.

HB 45, by Representatives Bendl, Hancock, Benson, Beshear, Guenthner, Holloway, Kidd, LeMaster, Mann, Maynard, Priddy, Hines, Sale, Siemens, and Williams: AN ACT relating to tax credits.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., Wednesday, January 17, 1979.

The House adjourned by voice vote.

WEDNESDAY, JANUARY 17, 1979

EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Representative Louis Johnson, Owensboro, Kentucky.

The roll was called. All present except Representatives Blythe and B. Richardson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 16, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 46, by Representatives Kenton, Van Horn, List, LeMaster, Beshear and Donnermeyer: AN ACT providing for a Kentucky horse park board.

HR 14, by Representative Kidd: A RESOLUTION requesting and petitioning the Congress and the President of the United States to consider with extreme caution any revision of the Social Security Program which would be detrimental to the elderly, the poor, and the disabled.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills:

Appropriations and Revenue: **HB 44, HB 45.**

Banking and Insurance: **HB 40.**

Public Utilities and Transportation: **HB 39, HB 41, HB 43.**

State Government: **HB 42, SB 8, SB 9.**

Report of Committees

The Speaker vacated the Chair. Speaker Pro Tempore Clapp presiding.

The Committee on Counties and Special Districts reported **HB 7** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 7, AN ACT relating to the provision of office space for probation, parole and conditional release officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 439.520; Fiscal court to supply suitable office space for probation, parole and conditional release officer, is repealed.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Counties and Special Districts: **HB 7.**

Public Utilities and Transportation: **HB 27, HB 43.**

Appropriations and Revenue: **HB 43, HB 8, HB 10.**

Motions, Petitions, and Communications

Representative McBee moved that **HB 43** be sent from the Committee on Public Utilities and Transportation to the Committee on Appropriations and Revenue. Agreed.

Representative Donnermeyer moved to suspend the rules to act upon a resolution. Agreed.

Representative Haering moved the adoption of the following **HR 15**:

HR 15, A RESOLUTION urging the Governor to declare Monday, January 22, 1979 a day of mourning throughout the Commonwealth in memory of the many unborn children that have been killed since the United States Supreme Court issued its ruling which legalized abortion.

WHEREAS, it has been estimated that one abortion is performed every 20 seconds in the United States - three every minute; and

WHEREAS, every nine days there are as many deaths from abortion as there were American servicemen killed in the 10 years of the Vietnam War; and

WHEREAS, during 1976, approximately 10,200 unborn children in the Commonwealth lost their lives as the result of abortions, which was more than a 19% increase over the previous year; and

WHEREAS, unborn children, by any reasonable standard, must be viewed as growing, functioning, living human beings; and

WHEREAS, abortion is an unjust destruction of human life and morally that is murder;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor declare Monday, January 22, 1979 a day of mourning throughout the Commonwealth in memory of the many unborn children that have been killed since the United States Supreme Court issued its ruling which legalized abortion.

Section 2. That the Clerk of the House of Representatives be directed to deliver a copy of this resolution to the Governor of the Commonwealth, to each member of Kentucky's congressional delegation and to the Chief Justice of the United States Supreme Court.

HR 15 was adopted by voice vote.

Representative Haering moved that a call of the roll be taken to show co-sponsors of **HR 15**. Agreed.

The following members requested that their names be added as co-sponsor of **HR 15**: Adams, J. Allen, W. Allen, Arnold, Bennett, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Craddock, Crupper, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Gay, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Isler, Johnson, Kidd, Kleier, Layman, Little, Mann, Marcum, Maynard, McNutt, Nett, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Worthington, Wright.

Announcements

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue upon adjournment and at 9 a.m. on Thursday, January 18, 1979 in Room A.

Representative Donnermeyer announced a Majority Caucus thirty minutes after adjournment in the State Reception Room.

Representative Boatwright moved to suspend the rules to act on a Citation. Agreed.

Representative Boatwright moved the adoption of the following Legislative Citation No. 6:

The House of Representatives hereby commends the Grand Rivers United Methodist Church for donating 50 framed copies of the Ten Commandments to the Livingston County Schools, and helping to organize the successful effort to place the Ten Commandments in each classroom. We congratulate them for their civic interest in education. (Sponsored by Representative Boatwright.)

Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills. Representative Maynard, **HB 43** and **HB 44**; Representative Burch, **HB 44** and **HB 43**.

Adjournment

Representative Donnermeyer moved that the House adjourn until the hour of 10 a.m., January 18, 1979.

On the roll the vote was years 58-Arnold, Bendl, Bennett, Benson, Blandford, Brinkley, Brown, Burch, Clarke, Craddock, Crupper, Davenport, DeFalaise, Dietz, Donnermeyer, Foster, Guenthner, Haering, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, List, Little, Marcum, May, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, Riner, Romines, Sale, Siemens, F. Smith, Stone, Tobin, Van Horn, Wilborn, Worthington, Wright, Yates. Nays 10-Adams, W. Allen, Boswell, Carpenter, Fitzgerald, Gray, Holbrook, Rattliff, P. Richardson and Schmidt.

The motion to adjourn was adopted.

THURSDAY, JANUARY 18, 1979

NINTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Donald Coleman of the South Jefferson Baptist Church, Valley Station, Kentucky.

The roll was called. All present except Representatives Beshear, Gay, Kleier, List, O'Brien, and Sale.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 17, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HJR 16, by Representatives Cyrus and Plummer: A JOINT RESOLUTION appropriating funds for emergency medical transportation across the Ohio River from South Shore, Kentucky.

HJR 17, by Representative Worthington: A JOINT RESOLUTION honoring the Mason County High School Concert Choir with the designation of the official Kentucky High School Concert Choir.

HR 18, by Representative Fitzgerald: A RESOLUTION requesting return of $20,000 to the Governor's Contingency Fund by the City of Williamsburg.

HB 47, by Representative Wilborn: AN ACT relating to mobile homes and recreational vehicles.

HB 48, introduced jointly by Representatives Bennett, Beshear, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Dawahare, Deskins, Fitzgerald, Gray, Head, Imes, Isler, Johnson, Kleier, LeMaster, Little, Mann, May, Maynard, McBee, Morris, Noe, O'Brien, Pearman, Petty, Priddy, P. Richardson, Riner, Romines, Sale, F. Smith, Stone, Tobin, Van Horn, Weinberg, White, Williams and Yates: AN ACT relating to individual income tax.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

State Government: **HB 46, HR 14.**

Report of Committees

The Committee on Appropriations and Revenue reported **HB 43** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 43, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.470 is amended to read as follows:
There are excluded from the computation of the amount of taxes imposed by this chapter:
(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States, or under the constitution of this state;
(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:
(a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;
(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;

(6) Gross receipts from sales of tangible personal property made in one cent (1§) portions through vending machines;

(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities or special districts as defined in KRS 65.005. This exemption applies only to purchases of property or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit is not entitled to the exemption even though such purchaser may be the recipient of public funds or grants;

(8) Gross receipts from sales of coal to a Kentucky resident for home consumption*;*

(9) Gross receipts from the sale of sewer services, water and fuel for residential use for heating, water heating, cooking, lighting, and other household power regardless of present customer classification. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottle gas, coal, coke and wood.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill has been posted for Committee consideration:

Public Utilities and Transportation: **HB 28.**

The Clerk announced the following Bill has been withdrawn from Committee consideration:

Public Utilities and Transportation: **HB 27.**

Calendar

HB 7 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions, and Communications

The Speaker vacated the Chair. Speaker Pro Tempore Clapp presiding.

Representative Kidd moved the adoption of the following **HR 14**:

HR 14, A RESOLUTION requesting and petitioning the Congress and the President of the United States to consider with extreme caution any revision of the Social Security Program which would be detrimental to the elderly, the poor, and the disabled.

WHEREAS, the elimination of lump sum death benefits would pose an untimely and unfair hardship upon thousands of families across these United States; and

WHEREAS, the curtailment of aid to students aged 10 through 21 would deprive many communities of talented young people who without this legislation would not be able to further their education; and

WHEREAS, the present program provides benefits for all students regardless of their economic status; and

WHEREAS, eliminating the minimum benefit formula that gives a special retirement advantage to low wage workers would deprive these people of the bare necessities; and

WHEREAS, we believe that the government of the United States should not sacrifice the poor, the elderly, and the disabled in order to immediately balance a long-time deficit budget; and

WHEREAS, the Social Security System was established to provide assistance to persons of low income, the curtailment of any program aiding the elderly, the poor, and the disabled would be contrary to the intent of the Social Security Program;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body urges the Congress and the President of the United States to cautiously and empathetically consider any proposal to the federal budget which would effectively curtail or diminish benefits to the elderly, poor, or disabled citizens across this country.

Section 2. That this body endorses the continuance of Social Security benefits to students aged 10 through 21 on an eligibility - need basis.

Section 3. That this body affirms its endorsement of the President's avowed goal of limiting the budget deficit, yet encourages the President to maintain the stability of existing social programs.

Section 4. That copies of this resolution be sent by the Secretary of State to the members of Congress from Kentucky.

Section 5. That a copy of this resolution be sent by the Secretary of State to the President of the United States.

HR 14 was adopted by voice vote.

Representative Fitzgerald moved that a call of the roll be taken to show co-sponsors of **HR 18**.

The roll call showed that no members wished to be added as co-sponsors of **HR 18**.

Representative Rattliff moved that **HR 18** be laid on the table.

On the roll call the vote was yeas 24-W. Allen, Blythe, Davenport, Dawahare, DeFalaise, DeMarcus, Guenthner, Haering, Holbrook, Holloway, Johnson, Layman, Marcum, McKinney, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Schmidt, R. Smith, Van Horn, Wright. Nays 28-Adams, Arnold, Bennett, Brown, Bruce, Burch, Craddock, Crupper, Cyrus, Donnermeyer, Fitzgerald, Gray, Jones, Kenton, Mann, McNutt, Morris, Petty, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Thomas, Turner, Weinberg, Wells, Worthington.

The motion that **HR 18** be laid on the table was rejected.

Representative Fitzgerald moved that **HR 18** be laid on the Clerk's desk.

The motion that **HR 18** be laid on the Clerk's desk was adopted by voice vote.

Representative May moved the adoption of the following Legislative Citation No. 7:

The House of Representatives hereby commends the Rev. Richard Chamberlin and the Wolfe County Ministerial Association for placing 105 framed copies of the Ten Commandments in the Wolfe County School and the Wolfe County Court Room. We congratulate them for their civic interest in preserving our historical Christian heritage. (Sponsored by Representative May).

Agreed.

Representative Worthington moved that a call of the roll be taken to show co-sponsors of **HJR 17**.

The following members requested that their names be added as co-sponsors of **HJR 17**: Arnold, Bendl, Bennett, Boatwright, Brown, Bruce, Burnette, Clapp, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson P. Richardson, Riner, Romines, Siemens, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Yates.

Representative Worthington moved the adoption of the following **HJR 17**.

HJR 17, A JOINT RESOLUTION honoring the Mason County High School Concert Choir with the designation of the official Kentucky High School Concert Choir.

WHEREAS, the Mason County High School Concert Choir has been invited to represent Kentucky in the Parade of the Continents in a presentation ceremony of a United Nations Center in Vienna, Austria, in August, 1979; and

WHEREAS, the Mason County High School Concert Choir is the only high school choir in Kentucky to receive such an invitation and one of the few in the United States; and

WHEREAS, this honor was bestowed through an invitation from Secretary General of the United Nations Kurt Waldheim and Rudolf Kirchschlager of the Federal Republic of Austria, in their effort to bring together accomplished young people from the world over to join their voices in harmony as an omen of all people working together for world peace; and

WHEREAS, this unique opportunity to participate in the opening of the Danube Park Centre for the United Nations in Vienna, Austria, gives recognition to the talent, accomplishments and hard work of the Mason County High School Concert Choir and its conductor Coralie Runyon; and

WHEREAS, this outstanding choir will also be representing Kentucky at concerts in Switzerland, Germany and additional ones in Vienna; and

WHEREAS, Coralie Runyon, conductor, and Priscilla Browning, accompanist, have demonstrated extraordinary talent and dedication in commanding the high degree of performance from the students to justify this recognition;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Mason County High School Concert Choir be hereby designated the official Kentucky High School Concert Choir for the purpose of representing the Commonwealth of Kentucky in the ceremony of international significance in the opening of the Danube Park Centre for the United Nations in Vienna, Austria.

Section 2. That Coralie Runyon, conductor of the choir, is hereby recognized and applauded for her efforts and dedication in producing a choir of the caliber and achievement to win this international recognition.

Section 3. That the choir members, Coralie Runyon, Priscilla Browning and accompanying chaperones be hereby designated as goodwill ambassadors for the Commonwealth of Kentucky in their appearances and travels in Europe.

Section 4. That this group, as representatives of the Commonwealth of Kentucky, present to the officials of the International Youth/Music Festival, to Rudolf Kirchschlager, President of the Federal Republic of Austria, and to Secretary General of the United Nations Kurt Waldheim appropriate honoraria signifying the Commonwealth of Kentucky.

Section 5. That the Clerk of the House of Representatives forward sufficient copies of this resolution to Mason County High School for each member of the choir, Coralie Runyon, Priscilla Browning, and a copy for the school.

HJR 17 was adopted by voice vote.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills: Representative Foster, **HB 44**; Representative Holbrook, **HB 38**.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue upon adjournment and on Monday, January 22, 1979 at 12 noon in Room A.

Announcements

Representative Imes moved to suspend the rules for the purpose of posting of Bills and Resolutions. Agreed.

Posting of Bills and Resolutions (Continued)

The Clerk announced the following Bill has been posted for committee consideration:

State Government: **HB 46.**

Announcements (continued)

A meeting of the Committee on Rules will take place upon adjournment in Room 307.

Adjournment

Representative B. Richardson moved that the House adjourn until Monday, January 22, 1979, at 4 p.m.

On the roll call the vote was yeas 35-Arnold, Bendl, Bennett, Brinkley, Brown, Bruce, Clapp, Crupper, Dietz, Donnermeyer, Dunn, Foster, Head, Isler, Johnson, Kidd, Mann, Maynard, McBee, Morris, Noe, Petty, Richards, B. Richardson, Riner, Romines, Stone, Thomas, Tobin, Turner, Van Horn Weinberg, Wilborn, Worthington, Yates. Nays 30-Adams, W. Allen, Boswell, Cyrus, Davenport, DeFalaise, DeMarcus, Fitzgerald, Gray, Guenthner, Guy, Haering, Holbrook, Holloway, Hurst, Imes, Layman, McKinney, Nett, Overstreet, Pearman, Plummer, Priddy, Rattliff, P. Richardson, Schmidt, Siemens, F. Smith, R. Smith, Wright.

The motion to adjourn was adopted.

MONDAY, JANUARY 22, 1979

ELEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend J. T. Harmon of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Gay, Hines, Pearman, Weinberg and Williams.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 18, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HCR 19, introduced jointly by Representatives Clarke, Dunn, Jones, Kenton, LeMaster, Nett, Richards and Wells: A CONCURRENT RESOLUTION relating to a comprehensive study of the Kentucky income tax.

HCR 20, by Representative J. Allen, List, Noe, Brown, Fitzgerald, Deskins, Sale, Patrick, Marcum, Turner, R. Smith, May, Cyrus, White, Van Horn, Weinberg, Little, Dawahare, LeMaster, Holbrook, Wright, Hancock, Robinson, Plummer and Stewart: A CONCURRENT RESOLUTION urging the United States Environmental Protection Agency to take prompt action under Section 125 of the Clean Air Act that fully protects the rights of Kentucky coal producers to sell their coal to utility customers in Ohio.

HCR 21, by Representatives Patrick, Guy, McKinney, Wilborn, Schmidt, Carpenter, Davenport, Guenthner, Dawahare, Williams, Thomas, Plummer, Brown, Stone, Foster, Bennett, Nett, List, Marcum and Layman: A CONCURRENT RESOLUTION urging the Department of Fish and Wildlife Resources to enforce the states's trapping laws.

HB 49, introduced jointly by Representatives Arnold, Bendl, Brinkley, Burch, Carpenter, Clarke, Craddock, Cyrus, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, Maynard, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, Romines, Stone, Thomas, Turner and Worthington: AN ACT relating to court costs.

HB 50, introduced jointly by Representatives Arnold, Bendl, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Cyrus, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Imes, Jones, Kenton, Kidd, Lindsay, Mann, May, Maynard, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Stone, Thomas, Turner, Wilborn and Worthington: AN ACT relating to jails.

HB 51, introduced jointly by Representatives Arnold, Bendl, Brinkley, Burch, Carpenter, Clarke, Craddock, Cyrus, Donnermeyer, Dunn, Fitzgerald, Gray, Hancock, Hines, Hurst, Imes, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, Maynard, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, Stone, Thomas, Turner, White and Worthington: AN ACT relating to fines.

HB 52, introduced jointly by Representatives Arnold, Bendl, Brinkley, Burch, Carpenter, Clarke, Craddock, Cyrus, Donnermeyer, Dunn, Foster, Fitzgerald, Gray, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, Maynard, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, Stone, Thomas, Turner and Worthington: AN ACT relating to prepayment of fines and court costs.

HB 53, introduced jointly by Representatives Arnold, Bendl, Brinkley, Burch, Carpenter, Craddock, Cyrus, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, Maynard, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, Romines, Stone, Thomas, Turner, Wilborn and Worthington: AN ACT relating to net court revenue return.

HB 54, introduced jointly by Representatives Arnold, Bendl, Boswell, Brinkley, Burch, Carpenter, Clarke, Craddock, Cyrus, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Mann, May, Maynard, Nett, Noe, O'Brien, Petty, Priddy, B. Richardson, Romines, Stone, Thomas, Turner, Wilborn and Worthington: AN ACT relating to bail bonds.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: HB 48, HJR 16.

Health and Welfare: HB 47.

Report of Committees

The Committee on Rules reported HB 7 has been posted for passage in Orders of the Day, January 23, 1979.

The Committee on Rules reported HR 4 has been recommitted to the Committee on Appropriations and Revenue for fiscal analysis.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Banking and Insurance: HB 40.

State Government: SB 8, SB 9.

Calendar

HB 43 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Patrick moved the adoption of the following Legislative Citation No. 10:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes A. J. Faulkner, Williamsburg, Kentucky for the outstanding performance of his duties as maintenance foreman for the Bureau of Highways, District 11, Whitley County. His 23 years tenure with the department has found him always willing to serve the public need and ready to respond to any type of emergency situation. For his diligence at work and cooperative spirit, this body commends him and extends to him their congratulations. (Introduced by Representative Patrick.)

Representative Brinkley moved the adoption of the following Legislative Citation No. 8:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Rev. Wallace E. Thomas, the First United Methodist Church, and the Richland Baptist Church of Madisonville, Kentucky for placing 325 framed copies of the Ten Commandments in the Hopkins County Schools. We congratulate them for their civic interest in preserving our historical Christian heritage. (Introduced by Representative Brinkley.)

Agreed.

Representative List moved that the rules be suspended for the purpose of acting on a Resolution. Agreed.

Representative List moved the adoption of the following HCR 20:

HCR 20, A CONCURRENT RESOLUTION urging the United States Environmental Protection Agency to take prompt action under Section 125 of the Clean Air Act that fully protects the rights of Kentucky coal producers to sell their coal to utility customers in Ohio.

WHEREAS, the United States Environmental Protection Agency (EPA) has instituted proceedings under 42 U.S.C. 57425, Section 125 of the Clean Air Act at the request of Ohio producers of coal; and

WHEREAS, the producers of Ohio coal have asked EPA to issue orders under Section 125 which would prevent the Ohio electric utilities from complying with their sulfur dioxide emission limitations by the use of low sulfur coal produced in Kentucky; and

WHEREAS, based on filings by the Ohio electric utilities with EPA, any order under Section 125 requiring those utilities to use only Ohio produced coal would jeopardize the annual sale of approximately 11,000,000 tons of Kentucky produced coal beginning in 1980, which would represent a loss of hundreds of millions of dollars annually to the Kentucky economy; and

WHEREAS, EPA's authority under Section 125 is limited to prohibition of "other than locally or regionally available coal;"

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the General Assembly of the Commonwealth of Kentucky expresses its opposition to the manner in which EPA is applying Section 125 to monopolize, and create special preferences in, the Ohio electric utility coal market in favor of Ohio coal producers. It is clear from the plain language and the legislative history of Section 125 that this section was not intended to create barriers to the free trade of Kentucky coal into Kentucky coal producers' normal markets in neighboring states, such as Ohio, nor was this section envisioned as a means to empower EPA to embargo against the shipment of Kentucky coal into Ohio to protect Ohio coal interests. Furthermore, in the interests of a strong coal industry as an important part of the nation's energy policy, it would be unsound to apply Section 125 to Balkanize coal trade into a series of state markets for the purpose of shielding the Ohio coal industry from competition from Kentucky and other state producers.

Section 2. That the General Assembly of the Commonwealth of Kentucky urges the Environmental Protection Agency to define "local or regionally available coal" consistent with the intent of the Congress which is in a fashion that recognizes the market traditionally shared by the many coal suppliers in a multi-state region encompassing the states of Kentucky, Ohio and others so that Kentucky coal can be sold to its utility customers in the neighboring state of Ohio.

Section 3. That copies of this resolution be sent to President Jimmy Carter, EPA Administrator Douglas Costle, and Kentucky's Congressional delegation.

HCR 20 was adopted by voice vote.

Representative Blandford announced a joint meeting of the Committee on Agriculture and Natural Resources in Room C on January 23, 1979 at 11 a.m.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue in the House Chamber on Tuesday, January 23, 1979 and Wednesday, January 24, 1979 at 10 a.m.

Representative Imes announced a meeting of the Committee on State Government in Room C upon adjournment on January 23, 1979.

Representative McBee announced a meeting of the Committee on Public Utilities and Transportation in Room C on Tuesday, January 23, 1979 at 10 a.m.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative List, **HR 15**; Representative Worthington, **HCR 20**; Representative Riner, **HB 1**.

Representative Richards announced a meeting of the Committee on Education in the Senate Chamber on Tuesday, January 23, 1979 at 9 a.m.

Announcements

A meeting of the Majority Caucus will be held in the State Receiption Room on Tuesday, January 23, 1979 at 1 p.m.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m. January 23, 1979.

On the roll call the vote was yeas 58-Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeMarcus, Dietz, Donnermeyer, Dunn, Hancock, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, List, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B.

Richardson, Riner, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Van Horn, Wilborn, Worthington, Yates. Nays 23-Adams, J. Allen, W. Allen, Davenport, Dawahare, DeFalaise, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Imes, Layman, Marcum, Patrick, Plummer, Rattliff, P. Richardson, Robinson, Romines, Schmidt, Wright.

The motion to adjourn was adopted.

TUESDAY, JANUARY 23, 1979

TWELFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Bill Davenport of St. Mark's United Methodist Church, Campbellsville, Kentucky.

The roll was called. All present except Representatives Gay, Pearman and P. Richardson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 22, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 22, by Representatives Blandford, Boswell and Guy: A RESOLUTION opposing the programs of Secretary Joseph A. Califano which are antagonistic to the tobacco industry.

HR 23, by Representatives Guenthner, Holbrook, Riner, Holloway, Plummer, Rattliff and W. Allen: A RESOLUTION opposing establishment of diplomatic relations with the Peoples Republic of China.

HR 24, by Representatives B. Richardson, Morris, Bruce, Jones and Adams: A RESOLUTION relating to air pollution control.

HB 55, by Representatives Hancock and Siemens: AN ACT relating to sales tax.

HB 56, by Representatives Mann, Donnermeyer, Benson and Tobin: AN ACT relating to state agencies for which appropriations are made.

HB 57, by Representatives Holbrook, Schmidt, Foster, Plummer, DeMarcus, Smith, Brown and Marcum: AN ACT relating to individual income tax.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HR 21.**

Appropriations and Revenue: **HR 19.**

Counties and Special Districts: **HB 50.**

Highways and Traffic Safety: **HB 51, HB 52.**

Judiciary-Courts: **HB 49, HB 53, HB 54.**

Motions, Petitions and Communications

Representative List moved the adoption of the following Legislative Citation No. 11:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the Tates Creek High School Commodore baseball team, Lexington, Kentucky, for their state championship efforts during 1978. This body commends the talented and hardworking young men of the 1978 team and their coach Ron Cole, and extends best wishes for their continuing success. (Sponsored by Representative List.)

Agreed.

Representative List moved the adoption of the following Legislative Citation No. 12:

The House of Representatives of the Commonwealth of Kentucky hereby honors the 1978 Commodore football team of Tates Creek High School, Lexington, Kentucky and their coach, Roy Walton. This proud team was victorious in winning the coveted State AAAA football championship after a hard-fought season. This body commends the team members and Coach Walton for this victory and extends to them its best wishes. (Sponsored by Representative List.)

Agreed.

Representative List moved the adoption of the following Legislative Citation No. 13:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Tates Creek High School, Lexington, Kentucky Commodore soccer team for winning the Kentucky state soccer championship for 1978. The team, under Coach Gary Mayrwieser, ended its year with an eighteen and one record. We honor this team and their coach for their successful season. (Sponsored by Representative List.)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 9:

The House of Representatives of the Commonwealth of Kentucky hereby honors Vara Newman of Lewisburg, Kentucky for her service to her community by serving as the Grand Marshall of the 1978 Christmas Parade. Mrs. Newman has been an inspiration to the people of her church and her community during her 95 years. She is a regular attendant at the Mt. Pleasant Baptist Church, rarely missing any of the services. We commend Mrs. Newman for her dedication and devotion to her church and extend to her our best wishes. (Sponsored by Representative Foster.)

Agreed.

Representative Haering moved the adoption of the following Legislative Citation No. 14:

The House of Representatives of the Commonwealth of Kentucky hereby honors the Rev. William L. Hancock, pastor of Highview Baptist Church, Louisville, Kentucky. Mr. Hancock, who ministers to the people of the Highview community, also aided in the 1977 Eastern Kentucky flood assistance and worked with area Senior Citizens during the severe 1978 winter. He has led his church to new growth during his nine years with them and is currently overseeing the building of a new sanctuary. For his good works, this body commends him and offers him their best wishes for continued success. (Sponsored by Representative Haering.)

Agreed.

Representative LeMaster announced cancellation of the meeting of the Committee on Judiciary-Statutes scheduled for Wednesday, January 24, 1979 at 10 a.m.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Craddock, HB 7; Representative Cyrus, **HR 24**; Representative Holbrook, **HR 24**; Representative Siemens, HB 54, **HB 50**, **HB 51**, **HB 52**, **HB 53**.

Representative Hancock announced a meeting of the Committee on Highways and Traffic Safety for Wednesday, January 24, 1979 in Room C at 10 a.m.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue for Wednesday, January 24, 1979 in the House Chamber at 10 a.m.

Representative Lindsay announced a special meeting of the Committee on Judiciary-Courts for Wednesday, January 24, 1979 in Room 307 at 11 a.m.

Representative Lindsay moved to suspend the rules for the purpose of posting of Bills and Resolutions. Agreed.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Agriculture and Natural Resources: **HR 21.**

Health and Welfare: **HB 47.**

Judiciary-Courts: **HB 49, HB 53, HB 54.**

Representative B. Richardson moved that the following members be appointed to the Coal Advisory Committee: Representatives Stone, Brinkley, Little and Dawahare.

Representative DeMarcus moved that the following members be appointed in addition to the Representatives named above: Representatives R. Smith and W. Allen.

Representative Donnermeyer moved that the nominations cease. Agreed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

The motion on appointment was adopted.

Orders of the Day

HB 7 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that **HB 7** be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-Riner.

HB 7 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 7** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative Imes announced a meeting of the Committee on State Government upon adjournment in Room C.

Representative Bruce announced a meeting of the Committee on Banking and Insurance for Wednesday, January 24, 1979 in Room 305 at 9 a.m.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., January 24, 1979.

On the roll call the vote was yeas 48-Arnold, Bendl, Bennett, Beshear, Blandford, Brown, Bruce, Burch, Clapp, Craddock, Crupper, Dietz, Donnermeyer, Dunn, Foster, Hancock, Head, Hines, Isler, Jones, Kenton, Kidd, Kleier, List, Mann, May, Maynard, McBee, Morris, Nett, Noe, Petty, Richards, B. Richardson, Riner, Sale, Siemens, F. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Yates. Nays 27-Adams, W. Allen, Blythe, Boswell, Davenport, DeFalaise, Deskins, Fitzgerald, Guenthner, Guy, Haering, Holbrook, Holloway, Hurst, Imes, Layman, LeMaster, Marcum, Overstreet, Patrick, Plummer, Rattliff, Robinson, Romines, Schmidt, R. Smith, Wright.

The motion to adjourn was adopted.

WEDNESDAY, JANUARY 24, 1979

THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Dr. John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Gay, Hines, Holloway, Pearman, Stewart, Turner, White, Williams, and Worthington.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Overstreet moved that the reading of the Journal of January 23, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 25, by Representatives Richards and Adams: A RESOLUTION honoring Dero G. Downing.

HR 26, by Representative Romines: A RESOLUTION requesting the Kentucky Department for Natural Resources and Environmental Protection to issue regulations implementing a hazardous waste control program in the Commonwealth.

HB 58, introduced jointly by Representatives Adams, Arnold, Beshear, Brown, Davenport, DeFalaise, Deskins, Dietz, Fitzgerald, Foster, Isler, List, Marcum, May, Noe, Petty, Plummer, Richards, F. Smith, Stone, Tobin, Weinberg, Wells and Worthington: AN ACT relating to jailers' fees.

HB 59, by Representative Adams: AN ACT relating to assistance program fraud.

HB 60, introduced jointly by Representatives Bendl, Craddock, Deskins, Donnermeyer, Dunn, Fitzgerald, Imes and Stone: AN ACT relating to uniform court system fees.

HB 61, by Representatives Schmidt, Holbrook, Bendl and Morris: AN ACT relating to inheritance taxes.

HB 62, by Representative Clarke: AN ACT relating to legislative salaries and expenses.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: HB 55, HB 57.

Business Organizations and Professions: HB 56.

State Government: HR 23, HCR 22, HR 24.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: HB 50.

Appropriations and Revenue: HR 19, HB 44, HB 48, HB 19.

Report of Committees

The Committee on Banking and Insurance reported HB 40 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 40, AN ACT relating to interest charged by banks and trust companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 287 IS CREATED TO READ AS FOLLOWS:
Notwithstanding the provisions of any other law, a bank, trust company or combined bank and trust company may take, receive, reserve and charge on money due or to become due on any contract or other obligation in writing, where the original principal amount is fifteen thousand dollars ($15,000) or less, interest at any rate allowed national banking associations by the laws of the United States of America.

The Committee on Judiciary-Courts reported **HB 49, HB 53,** and **HB 54** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 49, AN ACT relating to court costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.175 is amended to read as follows:
(1) Court costs for a criminal case in the district court shall be twenty dollars ($20).
(2) There shall be no court costs for a parking citation when:
(a) The fine is paid to the clerk before the trial date in the same manner as provided for speeding citations under KRS 189.394(3); and
(b) The citation does not involve parking in a fire lane or blocking the traveled portion of the highway.
(3) Additional costs shall be assessed in district court criminal matters as follows:

(a) Preparing an attestation	$ .50
(b) Preparing a certification	1.00
(c) Preparing a copy of a document (per page)	.25

(4)[(3)] Taxation of costs against a defendant, upon conviction, shall be mandatory and shall not be prorated or suspended.

HB 53, AN ACT relating to net court revenue return.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.191 is amended to read as follows:
(1) The executive department for finance and administration shall determine from certified audits provided by the cities and counties, the reasonable cost of which shall be reimbursed by the executive department for finance and administration, the base court revenue for each city and county which had a local court as of June 30, 1976. In the event that any city or county believes that unusual circumstances have adversely affected the resulting computation of base court revenues, then the county or city may appeal to the executive department for finance and administration and the executive department for finance and administration may adjust such computation accordingly.
(2) In the determinations of net court revenue and base court revenues under KRS 24A.190 to 24A.193 the department of finance shall not deduct moneys or otherwise penalize a city or county for moneys received by the city, the county, or the county jailer from any source for:
(a) Keeping and dieting of prisoners under KRS 64.150; or
(b) Reimbursement for medical bills of prisoners confined in the county jail.

HB 54, AN ACT relating to bail bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 431.530 is amended to read as follows:
(1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520 (3)(b) shall deposit with the clerk of the court before which the action is pending a sum of money equal to ten percent (10%) of the bail, but in no event shall such deposit be less than ten dollars ($10).
(2) Upon depositing said sum the defendant shall be released from custody subject to all conditions of release imposed by the court.
(3) *Except as provided in subsection (5) of this section,* if the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the

defendant, unless the court orders otherwise, ninety percent (90%) of the sum deposited and shall retain as bail costs ten percent (10%) of the amount deposited; provided, however, in no event shall the amount retained by the clerk as bail costs be less than five dollars ($5). It is further provided that the court shall order the clerk of court to pay into the public defender special account any amount of the sum deposited by the defendant, in excess of bail costs, which in its sound discretion represents a reasonable fee for any public defender legal or investigative services provided for the defendant under KRS Chapter 31, but in no event shall the amount so paid to the public defender special account as public defender legal and investigative fees be less than five dollars ($5) per case. At the request of the defendant the court may order the amount repayable to defendant from such deposit to be paid to defendant's attorney of record.

(4) *Except as provided in subsection (5) of this section,* if a final judgment for a fine and court costs or either is entered in the prosecution of an action in which a deposit has been made in accordance with subsection (1) of this section, the balance of such deposit, after deduction of bail costs and public defender fees as provided for in subsection (3) of this section, shall be applied to the satisfaction of the judgment.

(5) If the defendant has performed all conditions of release and if the defendant is found not guilty of the offense for which bail was posted, or if all charges against him relating to the offense for which bail was posted are dropped or dismissed, then all bail money deposited by the defendant or by another person on his behalf shall be returned to him with no deductions therefrom as provided in subsections (3) or (4) of this section.

SECTION 2. A NEW SECTION OF KRS 431.530 TO 431.535 IS CREATED TO READ AS FOLLOWS:

When deposits of money are made by a person other than the defendant utilizing funds other than those of the defendant as bail security pursuant to KRS 431.530 the following terms and conditions shall apply in lieu of the provisions of subsections (3) and (4) of KRS 431.530:

(1) The deposit shall be listed as being made on behalf of the defendant by the depositor and not in the name of the defendant;

(2) If the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the person who deposited the money ninety percent (90%) of the sum deposited and shall retain as bail costs ten percent (10%) of the amount deposited provided, however, in no event shall the amount retained by the clerk as bail costs be less than five dollars ($5.00);

(3) No deductions shall be made by the court for public defender services, satisfaction of fines, payment of attorneys, or any other purpose when the defendant has been discharged as provided in subsection (2) of this section.

(4) If the defendant has performed all conditions of release and if the defendant is found not guilty of the offense for which bail was posted, or if all charges against him relating to the offense for which bail was posted are dropped or dismissed, then all bail money deposited pursuant to this section shall be returned to the person posting the bail with no deductions therefrom as provided in subsections (3) or (4) of KRS 431.530.

The Committee on State Government reported **HR 5** and **HB 46**, with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 5, A RESOLUTION requesting the Congress of the United States to permanently resolve the issues of the tax home and legislative business per diem deductions applicable to members of the legislatures of the several states.

WHEREAS, the Congress of the United States has not permanently resolved the issues of the tax home and methods of determining income tax deductions for legislative business expenses as they relate to members of the state legislatures; and

WHEREAS, while the Congress is to be commended for the substance of its temporary resolution of these issues in the 1976 Tax Reform Act and 1977 Tax Reduction and Simplification Act, a permanent solution is needed so that state legislators may anticipate their tax liabilities and file their federal income tax returns in a timely manner; and

WHEREAS, the Kentucky Constitution and statutes, like those of many other states, embody the concept of a part-time, citizen legislator who resides and conducts his private business among his constituents and who is periodically called upon to conduct the public's business in legislative sessions and committee meetings in the state capital; and

WHEREAS, the aforementioned temporary provisions of federal law have permitted a state legislator to elect to treat his business as a state legislator in a manner compatible with this state constitutional and statutory concept of his role;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the United States Congress and, in particular, the members of the Kentucky Congressional delegation are respectfully requested to lend their support to the enactment of a permanent resolution of the tax home and per diem income tax deduction issues, as they relate to state legislators, in a manner similar to that temporarily provided by Section 604 of the Tax Reform Act of 1976, as extended by Section 307 of the Tax Reduction and Simplification Act of 1977, and to that supported by the National Conference of State Legislatures.

Section 2. That the Legislative Research Commission is requested to monitor the progress of such legislation through cooperation with Kentucky's Congressional delegation and the National Conference of State Legislatures.

Section 3. That the Clerk of the House of Representatives shall transmit a copy of this Resolution to each member of the Kentucky Congressional delegation, the Speaker of the House of Representatives and President of the Senate of the United States, and to the chairmen of the United States House Committee on Ways and Means and Senate Finance Committee.

HB 46, AN ACT providing for a Kentucky horse park board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The state horse park board is hereby established and shall be composed of fifteen (15) members, as follows:

(a) The commissioner of parks;
(b) The commissioner of tourism; and
(c) Thirteen (13) members appointed by the governor on or before December 1, 1979, of whom eight (8) shall be appointed with due consideration to geographical distribution throughout the state, and five (5) members who shall be selected, one each, from a list of three (3) submitted by the governing bodies of each of the following organizations:

(i) Thoroughbred Breeders Association
(ii) Standardbred Breeders Association
(iii) Quarterhorse Breeders Association
(iv) Saddlehorse Breeders Association
(v) Kentucky Horse Council

(2) The terms of appointed members of the board shall be for four (4) years, and until such time as their successors shall be appointed, except with respect to the first board whose appointments shall be as follows:

(a) Four (4) members shall serve for terms of two (2) years from the date of their appointment;
(b) Four (4) members shall serve for terms of three (3) years from the date of their appointment; and
(c) Five (5) members shall serve for terms of four (4) years from the date of their appointment.

(3) Of the eight (8) geographically appointed members, the governor shall make appointments so as to assure equal representation from each of the two (2) political parties polling the largest number of votes in statewide elections.

(4) The governor shall appoint the first board chairman, after which the state horse park board shall elect annually from among its appointed membership a chairman. A quorum of the board shall consist of eight (8) members, and a majority of members present at any meeting of the board may act for it upon any matter legally before the body.

(5) The members of the board shall be allowed their necessary expenses incurred in attending meetings and performance of their official duties, and shall be allowed sixty-five dollars ($65) per diem for attending meetings.

(6) Appointed members of the state horse park board may be removed by the governor only for cause after being given a copy of charges against them and an opportunity to be heard publicly, with the advice of counsel, on such charges against them before the governor and a finding of fact by the governor. A copy of the charges and transcript of the record of the hearings and findings of fact shall be filed with the secretary of state.

(7) In the event of a vacancy among geographically appointed membership of the board, the governor shall fill the unexpired terms so as to maintain both geographical and political balance as required in Section 3 of this section.

SECTION 2. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The state horse park board shall be a body corporate with usual corporate powers. Full minutes and records shall be kept of all meetings of the board and all official actions shall be recorded.

(2) The state horse park board shall appoint an executive director and a secretary, who shall hold office during its pleasure and shall devote their entire time to the duties of their offices. The executive director shall be the chief administrative officer of the office of the board and shall provide the staff direction and coordination in implementing the program and discharging the duties of the authority. The secretary shall keep a full and true record of all the proceedings of the board, of all books and papers ordered filed by the board, and of all orders made by the board or approved and confirmed by it and ordered filed, and shall be responsible to it for the safe custody and preservation of all such documents in its office.

(a) The board shall designate from time to time staff persons to perform the duties of the executive director and secretary during their absence, and during the absence of either, the person so designated shall possess the same powers as their principle.

(b) The executive director with the approval of the board may assign the secretary additional administrative duties.

(3) The board acting through the executive director may employ or contract with such additional staff as necessary to perform the duties and exercise the powers conferred upon it by the provisions of this Act.

SECTION 3. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The state horse park board:

(a) Shall have the authority and control of such property as now is under its custody and control, and of such property as may hereafter be placed under its control or transferred to it by the state property and buildings commission, for any purpose mentioned in this section;

(b) May erect and repair buildings on the state horse park and make any and all necessary or proper improvements, and generally carry on a program of development and extension of facilities designed to accomplish the objectives defined in this section;

(c) Shall promote the progress of the state and stimulate public interest in the advancement and development of the state by providing the facilities of the state horse park for exhibitionary, competitive and other events relative to various aspects of the horse industry and other functions calculated to advance and enhance the tourist industry, economy, entertainment, cultural, and educational interests of the public.

(2) The state horse park board may take, acquire and hold property, and all interest herein, by deed, gift, devise, bequest, lease, or eminent domain, or by transfer from the state property so acquired in the matter provided by law. In the exercise of its power of eminent domain it shall proceed in the matter provided in the eminent domain act of Kentucky, KRS Chapter 416.

(3) The state horse park board is authorized to enact by administrative regulation as provided in KRS Chapter 13, rules governing the operation, maintenance or use of property under its custody and control.

SECTION 4. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The state horse park board may enter into agreements with the chief of law enforcement agency of any urban county or counties in which the state horse park is located or in any adjacent county for proper policing of the state horse park, and may arrange with the state for the policing of the state horse park by the state police. The board may also apply for the appointment of special law enforcement officers to provide security subject to the procedures of KRS 61.900 to 61.930.

(2) The state horse park board is authorized to establish by resolution speed limits governing the operation of motor vehicles on horse park property. Notice to the public of such speed limits shall be posted by signs or markings.

SECTION 5. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) The state horse park board shall have exclusive control of concessions, exhibitions, shows, entertainments and attractions at any place on the state horse park grounds, and may in the direction of the board operate any or all of such purposes, by law.

(2) The board shall have a prior lien upon the property of any concessionaire, exhibitor or person, immediately upon its coming or being brought on the grounds to secure existing or future indebtedness.

(3) Any designated employe or agent of the state board may sell the property to satisfy the indebtedness after giving ten (10) days' notice to the owner or agent of the owner or, if notice cannot be given to the owner, after a notice is posted for ten (10) days in the office of the state board on the grounds, announcing that the property is to be sold. The state board through its designated agent, may bid and buy on the property offered for sale for the use and benefit of the state horse park.

SECTION 6. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) None of the provisions of KRS Chapter 137 and none of the provisions of KRS 91.200 shall apply to any operations on state horse park grounds wherein the state horse park board shares in the receipts and proceeds of such operations.

SECTION 7. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) All revenues derived by the state horse park board from the use of properties and facilities under its custody and control shall be used exclusively for the purpose of defraying the expenses of the board, the cost of the management and operation of such properties and facilities, the payment of interest and principal upon any indebtedness incurred by the board for such properties and facilities, the creation of adequate reserve for the repair and replacement thereof and for the financing of further extensions, improvements, and additions thereto. Included in the cost of operation may be such promotional activities as the state horse park board may determine upon as calculated to stimulate and increase the use and the revenues of such facilities, and to increase and stimulate the interest and usefulness of the state horse park.

(2) The state horse park board shall generally cause its funds to be deposited in the state treasurer's office to be withdrawn on appropriate vouchers approved by the board.

(3) An annual accounting of the funds of the state board shall be made by the auditor of public accounts and reported to the governor for the benefit of the governor and the general assembly.

Section 8. KRS 148.991 is amended to read as follows:

(1) Any person who violates subsection (2) of KRS 148.051 shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100), or imprisoned in jail for not less than one (1) day or more than ten (10) days or both.

(2) Any person who violates KRS 148.029 shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

(3) Whoever violates, fails, neglects or refuses to obey any provision of KRS 148.610 to 148.780, or regulation, or order of the commissioner may be compelled to comply with or obey the same by injunction, mandamus, or other appropriate remedy; and provided, further, that whoever violates, fails, neglects, or refuses to obey any provision of KRS 148.610 to 148.780, or regulation, or order of the commissioner shall be punished by a fine of not more than $50 for each day of such violation.

(4) Any person who violates any speed limit established by the state horse park board pursuant to Section 4 of this Act shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The Committee Amendment No. 1 to **HB 46** is as follows:

Amend printed copy of **HB 46**, page 4, line 6, by adding the following after the word "office" (.):

All documents shall be subject to the open records provisions of KRS 61.870 to 61.884.

The Committee Amendment No. 2 to **HB 46** is as follows:

Amend printed copy of **HB 46**, page 5, line 17, by deleting the phrase "or eminent domain,";

and on line 19, by deleting the words "In the exercise of its power of";

and by deleting lines 20 and 21 in their entirety.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Amendment No. 1 to **HB 45** by Representative Bendl is as follows:

Amend printed copy of **HB 45**, page 9, by inserting after line 8, the following:

"*(26) 'Certified Rehabilitation' means any rehabilitation of an historic property which the State Historic Preservation Officer has certified to the Commissioner of Revenue as being consistent with the historic character of such property or the district in which such property is located.*"

and on page 13, line 3, by deleting everything after "*for*" and substituting in lieu thereof the following: "*a certified rehabilitation, if such rehabilitation has been certified by the State Historic Preservation Officer to the Commissioner of Revenue as being consistent with the historic character of such property or district in which the property is located,*"

and on lines 4 through 9, by deleting lines 4 through 9 in their entirety;

and on line 10, by deleting everything before the word "*The*".

Floor Amendment No. 1 to **HB 46** by Representative Kenton is as follows:

Amend printed copy of **HB 46**, page 1, lines 15 to 18, by deleting same and inserting in lieu thereof the following:

" (i) Thoroughbred breeders of Kentucky

(ii) Kentucky quarter horse association

(iii) American standardbred breeders association of Kentucky

(iv) American saddle horse breeders association

(v) Kentucky walking horse association";

and on page 1, line 19, by deleting the "(v)" and inserting in lieu thereof "(vi)".

The Clerk read an Amended Proclamation of the Extraordinary Session of 1979,

PROCLAMATION

by the

Governor

of the

COMMONWEALTH OF KENTUCKY

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Julian M. Carroll, Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 1:00 p.m. (EST), Monday, January 8, 1979, for the sole purpose of considering the following subject:

(1) The enactment of legislation relating to the methods by which utility rates are structured and approved by the Public Service Commission.

(2) The enactment of legislation relating to the utility consumer intervenor within the division of consumer protection in the department of law.

(3) The enactment of legislation amending various sections of Chapter 139 of the Kentucky Revised Statutes for the purpose of removing the sales tax from residential utility bills.

(4) The enactment of legislation amending various sections of the Kentucky Revised Statutes for the purpose of preventing increases in property taxes as a result of increased property assessment.

(5) The enactment of legislation amending various sections of Chapter 141 of the Kentucky Revised Statutes for the purpose of increasing the standard deduction on personal income taxes; and for the purpose of making the income tax benefits for persons 65 or older available to persons 62 or older.

(6) The enactment of legislation modifying, amending, or creating various sections of the Kentucky Revised Statutes dealing with:

(a) District Court fines and costs;
(b) Jail reimbursements;
(c) Base court revenue; and
(d) Reimbursement for court space.

(7) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through **HB 229** of that session.

(8) The enactment of legislation relating to welfare fraud.

(9) The appropriation of sufficient funds to the Department of Transportation for the purpose of providing emergency medical transportation across the Ohio River from South Shore, Kentucky.

(10) Legislation relating to crisis assistance and the appropriation of sufficient funds to meet the essential needs of the areas affected by the December floods.

I now reaffirm the consideration of those subjects set out above and add the following subjects to be considered by the General Assembly:

(11) The enactment of legislation authorizing state and local governments to require compliance with federal wage and price guidelines.

(12) The enactment of legislation relating to financial disclosure by public officials and employees.

(13) The enactment of legislation relating to state police officers disabled as a result of and in the course of their employment.

(14) The enactment of legislation relating to the regulation of railroads.

(15) The enactment of legislation establishing a Kentucky Horse Park Board.

(16) The enactment of legislation to establish a program to aid small coal mines in complying with federal strip mine regulations.

(17) The enactment of legislation relating to mobile homes and recreational vehicles.

(18) The enactment of legislation relating to office space for court related officials.

(19) The enactment of legislation relating to advertising for bids by public agencies.

(20) The enactment of legislation relating to information obtained by newsmen in the course of their employment.

(21) . The enactment of legislation authorizing state chartered banks to charge the same rate of interest on loans of less than $15,000 as federally chartered banks can charge.

I now reaffirm the consideration of those subjects set out above and add the following subjects to be considered by the General Assembly:

(22) The enactment of legislation relating to the expenditure of state funds for the construction of capital projects and purchase of equipment.

(23) The enactment of legislation amending KRS 68.240 to change the date by which the county judge/executive must submit his proposed budget to the county budget commission.

(24) The enactment of legislation amending KRS 67.083 to authorize county governments to carry out all governmental functions necessary for the preservation of historic structures.

(25) The enactment of legislation authorizing county governments to approve or reject zoning amendments by resolution.

(26) The enactment of legislation amending KRS 132.020 for the purpose of specifying that a portion of the state tax rate shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said district.

(27) The enactment of legislation pertaining to cooperative purchasing between state and local governments.

(28) The enactment of legislation authorizing local governments to insure themselves, their employees and officials against liability.

DONE AT THE CAPITOL, in the City
of Frankfort, this the 24th Day
of January in the year of Our
Lord One Thousand Nine Hundred
and Seventy-nine and in the year
of the Commonwealth the One
Hundred Eighty-seventh.

s/JULIAN M. CARROLL
GOVERNOR

ATTEST:

s/DREXELL R. DAVIS
SECRETARY OF STATE

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue for Thursday, January 25, 1979 in Room A at 10 a.m.

Representative B. Richardson moved that the rules be suspended to act upon a Resolution. Agreed.

Representative B. Richardson moved that the rules be suspended in order that a call of the roll be taken to show co-sponsors of **HR 24**. Agreed.

The following members requested that their names be added as co-sponsor of **HR 24**:

Adams, J. Allen, Arnold, Bendl, Bennett, Blythe, Boatwright, Boswell, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Cyrus, Dawahare, DeMarcus, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Hurst, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, Little, Marcum, May, McKinney, McNutt, Morris, O'Brien, Plummer, Rattliff, Richards, Robinson, Romines, Schmidt, R. Smith, Wright, Yates.

Representative B. Richardson moved the adoption of the following **HR 24**:

HR 24, A RESOLUTION relating to air pollution control.

WHEREAS, The Kentucky General Assembly has heretofore determined that it is necessary that there be maintained a reasonable degree of purity of the air resources of this Commonwealth consistent with maximum employment and full industrial development; and

WHEREAS, the 1978 Kentucky General Assembly reaffirmed its desire that the Commonwealth of Kentucky implement Federal environmental legislation without imposing requirements more stringent than necessary to satisfy minimum Federal requirements; and

WHEREAS, the Kentucky Department for Natural Resources and Environmental Protection has proposed regulations to implement the Clean Air Act Amendments of 1977 which are broader in scope and more stringent than necessary to implement the Clean Air Act Amendments of 1977; and

WHEREAS, the regulations proposed by the Kentucky Department for Natural Resources and Environmental Protection would unnecessarily impose burdensome requirements upon virtually all segments of Kentucky society, increase inflation and unemployment and place Kentucky business, industry and agriculture at a competitive disadvantage with neighboring states and unfairly penalize business and labor through loss of job opportunities without any corresponding benefit to the public;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That it is the sense of the Kentucky House of Representatives that the Kentucky Department for Natural Resources and Environmental Protection should adopt regulations implementing the Clean Air Act Amendments of 1977.

Section 2. That such requirements implementing the Clean Air Act Amendments of 1977 should not apply to existing sources in those geographic areas of the Commonwealth for which air pollution control plans are not required to be developed under the Clear Air Act Amendments of 1977.

Section 3. That such regulations implementing the Clean Air Act Amendments of 1977 should not be adopted for those small existing sources or other categories of sources (including fugitive dust emissions) for which the Federal Environmental Protection Agency does not presently require the imposition of emissions limitations.

Section 4. That such regulations implementing the Clean Air Act Amendments of 1977 should allow emission sources maximum flexibility permitted under the Clean Air Act in determining the specific emission points to be controlled consistent with achievement of overall source emission requirements.

Section 5. That additional or more stringent state new source performance standards for future construction or modification should only be adopted as necessary to implement the Clean Air Act Amendments of 1977.

On the roll call the vote was yeas 79-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dunn, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, May, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Thomas, Van Horn, Weinberg, Wilborn, Wright, Yates. Nays 2-Mann, Siemens.

HR 24 was adopted.

Representative Romines moved that **HB 4** be withdrawn. Agreed.

Representative Blandford announced a meeting of the Committee on Agriculture and Natural Resources for Thursday, January 25, 1979 in Room C at 9 a.m.

Representative Blandford moved that the rules be suspended to make a motion to reassign a bill. Agreed.

Representative Blandford moved that **HR 22** be taken from the Committee on State Government and reassigned to the Committee on Agriculture and Natural Resources. Agreed.

Representative Crupper moved the adoption of the following Legislative Citation No. 15:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the Grant County High School Braves basketball team and Coach Carl Wenderoth for its 19 and zero record. The Braves are one of the few Kentucky high school basketball teams to remain undefeated this year. This body extends best wishes to Coach Wenderoth and the team for their winning efforts and for their continued success. (Sponsored by Representative Crupper.)

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 16:

The House of Representatives of the Commonwealth of Kentucky hereby honors Howard Stratton and Grady Kinney as the originators of the Pike County Hillbilly Days. This unique event helps to keep alive the Appalachian heritage in America as well as attracting people from 40 states to the annual affair. We commend them for their efforts on behalf of their county and state and offer them our best wishes for continued success. (Sponsored by Representative Deskins.)

Agreed.

Representative Richards announced a Joint meeting of the Committee on Education on Thursday, January 25, 1979 in Room 327 at 10 a.m.

Representative O'Brien announced a meeting of the Committee on State Government on Thursday, January 25, 1979 in Room C at 12 noon.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions:

Representative Riner, HB 1; Representative Boatwright, HR 24; Representative Arnold, HR 24; Representative Boswell, HR 24; Representative Blandford, HR 24; Representative Robinson, HR 24; Representative May, HR 24; Representative Brown as a Joint sponsor of HB 53, HB 49, and HB 54.

Representative Fitzgerald announced a meeting of the Committee on Counties and Special Districts on Thursday, January 25, 1979 in Room 307 at 10 a.m.

Representative Boswell moved to suspend the rules to allow Introduction of Bills and Resolutions and Posting of Bills and Resolutions for Consideration. Agreed.

Introduction of Bills and Resolutions

HB 63, by Representative O'Brien: AN ACT relating to public procurement.

HB 64, by Representatives Boswell, Bruce, Burnette, Stone, Guy, Thomas, Head, Petty, Dietz, Isler, Arnold, Johnson, List, Patrick and Layman: AN ACT relating to sales and use tax.

HB 65, introduced jointly by Representatives DeFalaise, Dietz, Donnermeyer, Isler, Mann and Petty: AN ACT relating to utilities.

HB 66, by Representative Blythe: AN ACT relating to sales and use tax.

Representative B. Richardson moved that the rules be suspended to allow Report of Committees. Agreed.

Report of Committees (Cont)

The Committee on Rules reported that HB 43 has been recommitted to the Committee on Appropriations and Revenue for adjustments.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 61.**

Counties and Special Districts: **HB 58.**

Health and Welfare: **HB 59.**

Judiciary-Courts: **HB 60.**

State Government: **HB 62, HR 25, HR 26.**

Representative B. Richardson moved to suspend the rules for a Committee Report. Agreed.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bill has been posted for Committee consideration:

Appropriations and Revenue: **HB 43.**

Announcements

Representative Kleier announced a meeting of the Committee on Health and Welfare upon adjournment in Room 305.

Representative Benson announced the Committee on Cities will not meet on Thursday, January 25, 1979.

The Clerk announced a meeting of the Legislative Research Commission upon adjournment.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., January 25, 1979.

On the roll call the vote was yeas 39-Adams, Arnold, Beshear, Bruce, Clapp, Clarke, Craddock, Crupper, Cyrus, DeMarcus, Dietz, Donnermeyer, Dunn, Isler, Johnson, Jones, Kenton, Kidd, Kleier, List, Little, Mann, May, Maynard, McBee, Nett, Noe, O'Brien, Petty, Priddy, Richards, P. Richardson, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wilborn, Yates. Nays 18-Benson, Boswell, Davenport, DeFalaise, Deskins, Fitzgerald, Haering, Head, Holbrook, Layman, LeMaster, Overstreet, Patrick, Plummer, Rattliff, Robinson, Romines, Weinberg.

The motion to adjourn was adopted.

THURSDAY, JANUARY 25, 1979

FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Beryl Spross of the Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Stewart, Tobin and Turner.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 24, 1979 be dispensed with and the same approved. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HB 67, by Representative Wilborn: AN ACT relating to the sales tax on residential utility services.

HB 68, by Representative Fitzgerald: AN ACT relating to county government.

HB 69, by Representative Noe: AN ACT relating to sick leave payment for retired and retiring state employes.

HB 70, by Representatives Brown, Carpenter and Priddy: AN ACT relating to sales tax exemption for aged, blind and disabled persons.

HR 27, by Representative Thomas: A RESOLUTION to adjourn the House of Representatives in honor of Ruel Thompson, Roy Locke, Mike Thompson, and various volunteer organizations.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 64, HB 66.**

Public Utilities and Transportation: **HB 65.**

State Government: **HB 63.**

Calendar

HB 40, HB 49, HB 53, HB 54, HR 5 and **HB 46** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, Speaker Pro Tempore resumed the Chair and called the House to order.

Report of Committees

The Committee on Rules reported **HB 46, HB 49, HB 53, HB 54, HB 43** and HR 5 have been posted for passage in Orders of the Day, January 26, 1979.

The Committee on Appropriations and Revenue reported **HB 43**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to **HB 43** is as follows:

HB 43, AN ACT relating to sales and use tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

(1) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property the gross receipts from the sale of which, or the storage use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States, or under the constitution of this state;

(2) Gross receipts from sales of, and the storage, use or other consumption in this state of:

(a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container;

(b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

(3) Gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract of public works executed prior to February 5, 1960;

(4) Gross receipts from occasional sales of tangible personal property and the storage, use or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale;

(5) Gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;

(6) Gross receipts from sales of tangible personal property made in one cent (1§) portions through vending machines;

(7) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities or special districts as defined in KRS 65.005. This exemption applies only to purchases of property or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit is not entitled to the exemption even though such purchaser may be the recipient of public funds or grants;

(8) *(a) Gross receipts from the sale of sewer services, water and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other household uses. As used in this subsection, "fuel" shall include, but not be limited to, natural gas, electricity, fuel oil, bottle gas, coal, coke and wood.*

(b) A utility company's classification of "residential" customers may be used to determine eligibility for the exemption provided the customer's use of the service or property is for household purposes. Where the service is legitimately classified as residential, incidental use other than for "household" purposes by the customer will not negate the exemption.

(c) The exemption does not apply where charges for sewer service, water and fuel are billed to an owner or operator of a multi-unit residential rental facility or trailer park regardless of classification.

(d) The exemption applies also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years.

[Gross receipts from sales of coal to a Kentucky resident for home consumption]

(9) School taxes and any other charges or surcharges added to the basic rates charged for residential telephone service.

Section 2. This Act shall become effective with utility company billings rendered on or after June 1, 1979.

The Committee on Agriculture and Natural Resources reported **HCR 21** and **HB 38** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 21, A CONCURRENT RESOLUTION urging the Department of Fish and Wildlife Resources to enforce the state's trapping laws.

WHEREAS, coon hounds, rabbit dogs, bird dogs and other domestic animals are sometimes caught in traps set for wild, furbearing animals; and

WHEREAS, traps are occasionally not checked every twenty-four hours and animals caught in them are left to suffer; and

WHEREAS, some furbearing animals are left in traps long enough to decompose and are of no commercial value; and

WHEREAS, animals are left to suffer for hours and hours; and

WHEREAS, some animals are becoming extinct; and

WHEREAS, traps are seldom tagged;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

That the Department of Fish and Wildlife Resources is urged to strictly enforce the trapping laws of the Commonwealth.

HB 38, AN ACT creating a small miners' assistance program.

WHEREAS, the General Assembly finds that the small operator is a vital and productive part of the economy of the Commonwealth; and

WHEREAS, the small operator produces approximately twenty percent (20%) of Kentucky's annual total coal production and plays a significant role in basic energy production for the nation; and

WHEREAS, unless a small operator's assistance program is promptly instituted during the interim program, many of them will go out of business;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.450 is amended to read as follows:

(1) If the area proposed to be mined contains prime farmland as defined in Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977," then no permit shall be issued unless it complies with Section 510(d)(1) therein. Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or to any revisions or renewals thereof, or to any existing strip mining operations for which a permit was issued prior to August 3, 1977. Nothing herein shall be construed as authorizing the department to promulgate regulations more stringent than those promulgated pursuant to PL 95-87 relating to prime farmland.

(2) Where a strip mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, the operation shall comply with the requirements of subsections (2)(c) and (d) of this section without regard to the requirements of KRS 350.410 or 350.445(2) and (3) with respect to lands from which overburden and the coal seam being mined have not been removed; provided, however, the department shall establish internal procedures pursuant to which it shall permit strip mining operations for the purposes set forth in subsection (2)(b) of this section.

(a) Where an applicant meets the requirements of subsections (2)(b) and (c) of this section a permit without regard to the requirements to restore to approximate original contour set forth in KRS 350.410 or 350.445(2) and (3) may be granted for the strip mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in subsection (3)(d) of this section, by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining and capable of supporting postmining uses in accord with the requirements of this subsection.

(b) In cases where an industrial, commercial, agricultural, residential, or public facility, including recreational facilities, use is proposed for the postmining use of the affected land, the department may grant a permit for a strip mining operation of the nature described in subsection (2)(a) of this section where:

1. After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is deemed by the department to constitute an equal or better economic or public use of the affected land as compared with premining use;

2. The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the land use will be:

a. Compatible with adjacent land uses;
b. Obtainable according to data regarding expected need and market;
c. Assured of investment in necessary public facilities;
d. Supported by commitments from public agencies where appropriate;

e. Practicable with respect to private financial capability for completion of the proposed use;

f. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

g. Designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

3. The proposed use would be consistent with adjacent land uses and existing state and local land use plans; and

4. The department provides the governing body of the unit of general-purpose government in which the land is located, and any state or federal agency which the department in its discretion determines to have an interest in the proposed use, an opportunity of not more than thirty (30) days to review and comment on the proposed use; and

5. All other requirements of this chapter will be met.

(c) In granting any permit pursuant to this subsection the following requirements apply:

1. The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

2. The reclaimed area is stable;

3. The resulting plateau or rolling contour drains inward from the outslopes except at specified points;

4. No damage will be done to natural watercourses;

5. Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use; provided, that all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of KRS 350.440; and

6. Insure stability of the spoil retained on the mountaintop and meet the other requirements of this chapter.

(d) The requirements of all regulations promulgated under this subsection are met.

(e) All permits granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(3) (a) The department shall adopt procedures pursuant to which it may permit variances for the purposes set forth in subsection (3)(c) of this section, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(b) Where an applicant meets the requirements of subsection (3)(c) of this section, a variance from the requirement to restore the approximate original contour set forth in KRS 350.445(2) may be granted for the strip mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accord with the further provisions of subsections (3)(c) and (d) of this section.

(c) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land shall:

1. Be deemed by the department to constitute an equal or better economic or public use;

2. Be designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and

3. The watershed of the affected land be deemed by the department to be improved.

(d) In granting a variance pursuant to subsection (3) of this section, the department shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, insure stability of the spoil retained on the bench, meet all other requirements of this chapter, and require all spoil placement off the mine bench to comply with KRS 350.440.

(e) The department shall promulgate specific regulations as it deems necessary, if any, to govern the granting of variances in accord with the provisions of this subsection and may impose such additional requirements as it deems to be necessary.

(f) All exceptions granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(4) Strip and underground coal mining operations in operation pursuant to a permit issued before August 4, 1977, issued to a person as defined in KRS 350.010(7) in existence prior to May 2, 1977, and operated by a person whose total annual production of coal from surface and underground coal mining operations does not exceed one hundred thousand (100,000) tons shall not be subject to the provisions set forth in KRS 350.400 and subsection (2) of this section, except with reference to the provision of KRS 350.445(1), until January 1, 1979. The department shall certify qualified applicants pursuant to this subsection.

(5) The department shall adopt programs, regulations, and procedures designed to assist the small coal operator with the permitting and environmental protection performance standards for strip and underground coal mining operations within the Commonwealth. For the purposes of this subsection, a small coal operator is one who is anticipated to mine less than 200,000 tons per year, but the department in determining tonnage shall consider wholly owned subsidiaries to be the same operation as the parent corporation.

Section 2. Whereas, there exists an immediate need to aid small coal operators in complying with federal and state strip mining laws, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee Amendment No. 1 to **HB 38** is as follows:

Amend printed copy of **HB 38**, page 8, line 5, after the word "*to*" by adding the words "*provide technical assistance to*";

and on page 8, lines 14 and 15 by deleting same;

and on line 16 by deleting the words "state strip mining laws" and inserting in lieu thereof the following:

"Section 2. Whereas the small coal operators exemption expired January 1, 1979".

The Committee on Appropriations and Revenue reported **HCR 19** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 19, A CONCURRENT RESOLUTION relating to a comprehensive study of the Kentucky Income Tax.

WHEREAS, the Interim Joint Committee on Appropriations and Revenue has initiated a comprehensive review of the Kentucky Income Tax; and

WHEREAS, the call for the special session narrowly restricts consideration of the income tax and both the Governor and Lt. Governor have refused to expand the call in this respect although expansion was requested by both the Appropriations and Revenue Committee and the General Assembly leadership; and

WHEREAS, the expected increase in state income tax receipts contemplated in the Lieutenant Governor's call as a result of the federal tax reduction will not be realized until 1981;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That no modifications be made in the Kentucky income tax during the 1979 Special Session.

Section 2. That the Interim Joint Appropriations and Revenue Committee be directed to continue a comprehensive review of the State personal and corporate income taxes and provide the 1980 General Assembly with recommendations for reform of these taxes considering the total tax burden on Kentucky citizens making said taxes more equitable, simple and progressive.

The Committee on Counties and Special Districts reported **HB 50** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 50, AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 441.010 is amended to read as follows:

(1) The county governing body shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners. The county judge/executive shall inspect the jail at least once each month.

(2) Wilful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.

(3) If a prisoner in the county jail needs medical care and is a needy person, the unit of government shall pay for his medical expenses, except that any payment for medical care for prisoners of the United States government shall be governed by federal law. The determination of whether or not a person is a needy person shall be made pursuant to KRS 31.120. Such determination may be made after medical care is given if a licensed physician determines that medical care should not be delayed. The unit of government shall not pay for medical care which could be postponed until after the period of confinement without hazard to the needy person. Only a licensed physician may determine that medical care can be postponed without hazard. The amount and nature of payments under this subsection shall be subject to the following terms and conditions:

(a) The physician or physicians attending the prisoner shall certify, under oath, that the prisioner's condition was such that medical care could not be postponed until after the period of confinement without hazard, that medical procedures were limited to those necessary to preserve the life or health of the prisoner and that they were not of an elective nature; and

(b) No payments to physicians, hospitals, laboratories, or other health care providers shall exceed the maximum payments allowed to similar persons or facilities for the same or similar services under the Kentucky Medical Assistance Program; and

(c) Prisoners who are later determined not to have been indigent, or who at a time following treatment are no longer indigent may be required to repay the costs of payments made pursuant to this section to the unit of government which made the payment; and

(d) The terms and conditions relating to any determination of nonindigency and demands for repayment shall be under the same terms and conditions as are provided under KRS Chapters 31 and 431 relating to similar circumstances in the program for defense of indigents by the Public Advocate.

The Committee on State Government reported **HCR 8** and **SB 8** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 8, A CONCURRENT RESOLUTION urging stronger enforcement of state highway littering laws.
WHEREAS, the Commonwealth of Kentucky is known and praised far and wide for its scenic natural resources; and
WHEREAS, tourism has become the third largest industry in Kentucky generating over a billion dollars annually; and
WHEREAS, littering of the highways detracts from the natural beauty of the countryside and is offensive to visitors and citizens alike; and
WHEREAS, excessive littering may provide habitat for rodents and may be harmful to wildlife species; and
WHEREAS, littering may contribute to highway accidents by attracting dogs and other animals;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That all law enforcement and peace officers be urged and directed to enforce to the fullest extent those statutes dealing with criminal littering of the highways.

Section 2. That copies of this resolution be sent to the Commissioner of State Police, the Secretary of the Department of Transportation, the Secretary of the Department for Natural Resources and Environmental Protection, the Commissioner of the Department for Fish and Wildlife, all county sheriffs and police chiefs and to all city police chiefs.

SB 8, AN ACT relating to public officers and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.788 is amended to read as follows:

(1) Each official covered by KRS 61.782 to 61.790 shall by April 15, 1979 file with the commission a financial statement reflecting all offices and employment held by him, his spouse and dependents, his major holdings and net worth as of January 1, 1979 and a bona fide copy of his income tax return for calendar year 1978. Thereafter, each such official shall submit such information to the commission with any necessary revision in his financial status by April 15 of each year. The commission may, by majority vote, extend the deadline for receipt of copies of income tax returns, but may not waive the requirement for filing copies of returns. *Any covered official employed after April 15 of any year shall, within forty-five (45) days of his employment, file with the commission a financial statement reflecting all offices or employment held by him, his spouse and dependents, his major holdings and net worth as of January 1 of the year of his employment.*

(2) The commission may prescribe forms and procedures necessary to implement the intent of KRS 61.782 to 61.790.

(3) The commission shall be empowered to question any official covered by KRS 61.782 to 61.790 with respect to the information filed, and bring any information it deems necessary to the attention of the governor.

(4) The commission shall meet upon the call of the chairman, who shall be elected by the members.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills have been posted for Committee consideration:

Highways and Traffic Safety: **HB 51, HB 52.**

State Government: **HB 63.**

Motions, Petitions and Communications

Representative Blythe moved that the rules be suspended for the purpose of Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions (Continued)

HB 71, by Representatives Blythe and Benson: AN ACT relating to individual income taxes.

HB 72, by Representative Worthington: AN ACT relating to income tax.

Motions, Petitions and Communications (Continued)

Representative Romines moved that the rules be suspended to act on a Resolution. Agreed.

Representative Romines moved the adoption of the following **HR 26**:

HR 26, A RESOLUTION requesting the Kentucky Department for Natural Resources and Environmental Protection to issue regulations implementing a hazardous waste control program in the Commonwealth.

WHEREAS, within a two week period the existence of at least four illegal hazardous waste chemical dumps in Jefferson and Bullitt counties have been brought to the attention of the public; and

WHEREAS, these sites have the potential for contamination of land and water resources in the area and are potential public health hazards; and

WHEREAS, a program to regulate hazardous wastes in the Commonwealth is needed immediately since current problems may be only the "tip of the iceberg"; and

WHEREAS, the pending federal program may not be in full effect until July, 1980; and

WHEREAS, the 1978 General Assembly authorized and directed the Kentucky Department for Natural Resources and Environmental Protection to establish a program to deal with hazardous waste and to issue regulations establishing reporting procedures and standards for the generation, storage, treatment, recycling and disposal of hazardous waste; and

WHEREAS, the issuance of such regulations is essential to the implementation of a hazardous waste program for the Commonwealth;

NOW, THEREFORE

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Kentucky Department for Natural Resources and Environmental Protection be requested to proceed immediately to issue regulations to implement a hazardous waste control program for the Commonwealth.

Section 2. That copies of this resolution be sent to the Secretary of the Department for Natural Resources Environmental Protection and to the Governor.

HR 26 was adopted by voice vote.

Representative Thomas moved that the rules be suspended to act on a Resolution. Agreed.

Representative Thomas moved the adoption of the following **HR 27**:

HR 27, A RESOLUTION to adjourn the House of Representatives in honor of Ruel Thompson, Roy Locke, Mike Thompson, and various volunteer organizations.

WHEREAS, on Monday, January 15, 1979, a truck fully loaded with propane crashed into the loading area of the Amerigas Propane Plant in Rowletts, Kentucky due to the icy pavement, rupturing gas lines and exploding immediately; and

WHEREAS, the potential danger of a major explosion existed because the burning truck and ruptured gas lines were only twenty feet from three propane storage tanks; and

WHEREAS, a major disaster was averted due to the immediate actions of Ruel Thompson, Amerigas manager and Roy Locke, plant supervisor who aided the driver from the flaming truck, notified the necessary agencies for prompt aid, and helped evacuate approximately 300 persons from the plant, as well as, the surrounding residential area; and

WHEREAS, Ruel Thompson, Roy Locke, and Mike Thompson, a fireman from Horse Cave, returned to the evacuated plant to turn off any open valves on the ruptured lines; and

WHEREAS, these individuals placed their lives in jeopardy by entering such a hazardous area, especially fireman Ruel Thompson, who wearing asbestos gloves reached into the burning flames to shut off an open value; and

WHEREAS, without the invaluable assistance and outstanding efficiency of the Munfordville, Horse Cave, Cave City, Hardyville, and Cub Run Fire Departments; the Hart County Ambulance Service and the Hart County Sheriff's Department; and the Kentucky State Police, an unprecedented tragedy could have taken place in Hart County;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, Thursday, January 25, 1979, it does so in honor of Ruel Thompson, Roy Locke, Mike Thompson, and the various supportive and volunteer organizations.

Section 2. That the clerk be directed to transmit a copy of this resolution to Reul Thompson, Roy Locke, Mike Thompson, and the aforementioned organizations.

HR 27 was adopted by voice vote.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue upon adjournment.

Representative Hancock announced a meeting of the Committee on Highways and Traffic Safety upon adjournment, Friday, January 26, 1979 in Room C.

Representative Bendl announced a meeting of the Subcommittee on Domestic Abuse for Monday, January 29, 1979 at 10 a.m. in Room C.

Representative Kleier announced a meeting of the Committee on Health and Welfare upon adjournment of the House in Room 305.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions:

Representative Adams, **HB 53**, **HB 54**; Representative Schmidt, **HB 71**; Representative List, **HB 44**; Representative Kleier, **HB 43** and **HB 44**.

The following members filed requests to have their names added as Joint Sponsors of Bills and Resolutions:

Representative Van Horn, **HB 54**, **HB 44**, **HB 49**, and **HB 51**.

Announcements

Representative B. Richardson moved that no other business be conducted on this day other than Report of Committees and Reference of Bills and Resolutions. Agreed.

Representative B. Richardson moved to suspend the rules to allow adjournment by voice vote. Agreed.

Representative B. Richardson moved that when the House does adjourn on this day they do so until 10 a.m., January 26, 1979. Agreed.

Recess

Representative B. Richardson moved the House recess for two hours. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Announcements (Continued)

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Amendment No. 1 to **HB 38** by Representative White is as follows:

Amend printed copy of **HB 38**, page 8, line 13 following the word "corporation." by adding the following:

Upon written notification by the small coal operator to the department stating that no more mining will take place under a permit, the department shall release that portion of the bond not applying to the area mined under the permit. The operator shall not exercise this option more than once under the same permit, unless the permit is renewed in which case this option may be exercised one additional time.

Floor Amendment No. 1 to **HR 19** by Representative Morris is as follows:

Amend printed copy of **HR 19**, page 1, lines 1 and 2, by deleting Section No. 1, and Section No. 2 becomes Section No. 1.

Floor Amendment No. 1 to Committee Substitute to **HB 43** by Representative Gray is as follows:

Amend printed copy of Committee Substitute to **HB 43**, page 3, line 21, by adding after the word "*exemption*" the following:

provided such incidental usage shall not comprise more than one-half (1/2) of the total usage".

Floor Amendment No. 2 to the Committee Substitute to **HB 43** by Representative Clarke is as follows:

Amend printed copy of Committee Substitute to **HB 43**, page 3, line 12, by deleting the word "*household*" and inserting in lieu thereof the word "*residential*";

and on line 14, by adding after the word "*wood.*" the following:

"*Determinations of eligibility for the exemption shall be made by the Department of Revenue.*";

and on line 15, by deleting the word "*A*" and inserting in lieu thereof the following:

"*In making such determinations of eligibility, the department may use a*";

and on line 16, by inserting a "." following the word "*customers*", and by deleting the words "*may be used to determine eligibility for*";

and on line 17, by deleting said line;

and on line 18, by deleting the words "*or property is for household purposes.*";

and on line 20, by deleting the word "*"household"*", and inserting in lieu thereof the word "*residential*".

Floor Amendment No. 3 to the Committee Substitute to **HB 43** by Representative Patrick is as follows:

Amend printed copy of Committee Substitute to **HB 43**, page 3, line 10 after the word "water" by inserting "*, telephone services*"

and on line 11 after the word "lighting," by inserting "*telephone services,*".

Floor Amendment No. 4 to the Committee Substitute to **HB 43** by Representative Van Horn is as follows:

Amend printed copy of Committee Substitute to **HB 43**, page 2, line 13, by deleting the [;] following the word "sale" and inserting in lieu thereof *, including passenger automobiles and three-quarter ton pick-up trucks.*

Reference of Bills and Resolutions (Continued)

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 67, HB 70, HB 71** and **HB 72.**

Counties and Special Districts: **HB 68.**

State Government: **HB 69.**

Recess

Representative Boatwright moved that the House adjourn until 10 a.m., January 26, 1979.

The motion to adjourn was adopted by voice vote.

FRIDAY, JANUARY 26, 1979

FIFTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend K. L. Moore of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Stewart and Turner.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 25, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 73, by Representative McNutt: AN ACT relating to purchasing.

HCR 28, by Representatives J. Allen, May, Marcum, Deskins, Stone, Weinberg, Noe, Guy, Dawahare, White, Robinson, Brinkley, Little, Donnermeyer, B. Richardson, Fitzgerald and Kenton: A CONCURRENT RESOLUTION requesting the U.S. Secretary of the Treasury and the U.S. International Trade Commission to investigate possible dumping practices related to the importation of West German coking coal into the United States.

HR 29, by Representatives F. Smith, Thomas and Noe: A RESOLUTION to adjourn in honor of the 1978 University of Kentucky Basketball Wildcats.

HR 30, by Representative Kidd: A RESOLUTION requesting the Legislative Research Commission to prepare and distribute a legislative glossary.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Agriculture and Natural Resources: HCR 22.

Business Organizations and Professions: HB 56.

Calendar

HR 21, HB 38, HR 19, HB 50, HR 8 and SB 8 taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative Boswell moved the adoption of the following Legislative Citation No. 19:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Daviess County Lions Club, Owensboro, Kentucky for its outstanding civic achievements and its contributions to the community. Best wishes and congratulations are sent to this well-known service organization. (Sponsored by Representative Boswell.)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 20:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Owensboro Jaycees for their service to the young men of Owensboro and the contributions which they make to their community. This body commends and congratulates these very active civic-minded citizens. (Sponsored by Representative Boswell.)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 21:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Owensboro-Daviess County Young Democrats for their active participation and interest in the democratic governmental process. For their civic interests and achievements, this body congratulates them. (Sponsored by Representative Boswell.)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 22:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Morganfield Jaycees for their service to the young men of Morganfield and the contributions which they make to their community. This body commends and congratulates these very active civic-minded citizens. (Sponsored by Representative Boswell.)

Agreed.

Representative Boatwight moved the adoption of the following Legislative Citation No. 26:

THE HOUSE OF REPRESENTATIVES hereby honors Bill Sanders of Paducah, Kentucky for distinguished efforts in community service and for providing leadership to help bring business, labor and government together on behalf of programs, projects and services which benefit the entire community. (Sponsored by Representatives Boatwright and Gray.)

Agreed.

Representative F. Smith moved to suspend the rules to act on a Resolution and to allow the Privilege of the Floor to Joe B. Hall and for his address to the House. Agreed.

Representative F. Smith moved the adoption of the following **HR 29**:

HR 29, A RESOLUTION to adjourn in honor of the 1978 University of Kentucky Basketball Wildcats.

Whereas, our beloved Wildcat basketball team won the 1978 NCAA Championship; and

Whereas, this powerful Wildcat team achieved a 32-2 record, its best in 12 years, captured the Southeastern Conference title for the 31st time and handled with championship flair the pressure of being ranked as the No. 1 college team throughout the season; and

Whereas, this edition of the "Big Blue" epitomized the concept of teamwork by their consistent demonstration of unselfish play; and

Whereas, Coach Joe B. Hall was recognized for his outstanding contributions to the game of basketball by being named as the recipient of the 1978 Dr. James Naismith "Peachbasket" Award; and

Whereas, two players on the 1978 squad: Jack Givens and Rick Robey were named to the All-American team and along with Kyle Macy were also elected to the All-SEC team; and

Whereas, this body deems it necessary to commend the players and Coach Joe B. Hall and his staff for making the University of Kentucky basketball program the most successful and respected collegiate basketball program in the nation;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns this day, it does so in honor of the University of Kentucky Wildcat basketball team.

Section 2. That the Clerk of the House be directed to deliver a copy of this resolution to Coach Joe B. Hall.

HR 29 was adopted by voice vote.

Mr. Joe B. Hall addressed the House.

Orders of the Day

HB 43, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute to **HB 43**. Agreed.

Representative Clarke moved the adoption of Floor Amendment No. 2 to the Committee Substitute to **HB 43**. Agreed.

Representative B. Richardson moved that **HB 43**, by way ot Committee Substitute as amended, be passed.

Representative Patrick moved the adoption of Floor Amendment No. 3 to the Committee Substitute to **HB 43**.

On the roll call the vote was yeas 38-J. Allen, W. Allen, Blythe, Brown, Burnette, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Gay, Gray, Guenthner, Haering, Holbrook, Holloway, Isler, Kleier, Layman, Little, Marcum, Maynard, McKinney, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Schmidt, R. Smith, Thomas, Van Horn, White, Wright. Nays 43-Adams, Arnold, Bendl, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Craddock, Cyrus, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Head, Hurst, Imes, Kenton, LeMaster, Lindsay, List, Mann, McBee, McNutt, Nett, Noe, Petty, Richards, B. Richardson, Sale, Stone, Tobin, Weinberg, Wilborn, Worthington, Yates.

Floor Amendment No. 3 to the Committee Substitute to **HB 43** was rejected.

Representative Van Horn moved the adoption of Floor Amendment No. 4 to the Committee Substitute to **HB 43**.

The Chair ruled Floor Amendment No. 4 to the Committee Substitute to HB 43 was not germane.

On the roll call the vote was yeas 96-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 1-Williams.

HB 43, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 43**, by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Clarke moved to suspend the rules to communicate with the House. Agreed.

Representative Clarke announced the meeting of the Committee on Appropriations and Revenue scheduled for January 26, 1979 has been cancelled and rescheduled for January 29, 1979 at 12:00 noon in Room A.

Speaker Pro Tempore presiding.

Orders of the Day (continued)

HB 46, with Committee Amendments and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Kenton moved the adoption of the Committee Amendment No. 1 to **HB 46**. Agreed.

Representative Kenton moved the adoption of the Committee Amendment No. 2 to **HB 46**. Agreed.

Representative Kenton moved the adoption of Floor Amendment No. 1 to **HB 46**. Agreed.

Representative Kenton moved that **HB 46**, as amended, be passed.

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnett, Clapp, Clarke, Craddock, Crupper, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Guenthner, Guy, Head, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy , Richards, B.

Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Yates. Nays 17-W. Allen, Benson, Carpenter, DeMarcus, Gray, Haering, Hancock, Holbrook, Kleier, Layman, Lindsay. Marcum, Patrick, Rattliff, Williams, Worthington, Wright.

HB 46, as amended, was passed and the title agreed to.

Representative Kenton moved that the vote by which **HB 46**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **HB 49**, **HB 53**, **HB 54** and **HR 5** be deferred and that it retain its position in Orders of the Day.

Senate Message

Announcing passage of **SB 5**, **SB 2** and **SR 13**.

Announcements

The Clerk announced the filing of the following Floor Amendment to Bills and Resolutions:

Floor Amendment No. 2 to **HR 19** by Representative Tobin is as follows:

Amend printed copy of **HR 19**, page 1 by deleting Section 1 and renumbering Section 2 as Section 1.

Representative Imes announced a meeting of the Committee on State Government for January 29, 1979 in Room C at 2:00 p.m.

Recess

Representative Clarke moved that the House recess for five minutes for a meeting of the Committee on Appropriations and Revenue. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Announcements (continued)

Representative B. Richardson moved to suspend the rules to make adjournment plans. Agreed.

Representative B. Richardson moved that when the House does adjourn, it will do so until January 29, 1979 at 4:00 p.m. Agreed.

Representative B. Richardson moved that when the House does adjourn, it does so by voice vote. Agreed.

Adjournment

Representative B. Richardson moved that the House adjourn until 4:00 p.m., January 29, 1979.

The motion to adjourn was adopted by voice vote.

MONDAY, JANUARY 29, 1979

SEVENTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Dennis W. Jones of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Kleier and Guenthner.

Representative Isler moved that absent members be granted leave of absence. Agreed.

The Clerk read the Certificate of Election for Mrs. Pat Freibert, Representative from Fayette 78.

STATE BOARD OF ELECTIONS

Frankfort, Ky., January 29, 1979

The undersigned, a Board for examining the returns of an election held on Saturday, the 27th day of January, 1979, for State Representative, Seventh-Eighth Representative District of the State of Kentucky, do certify that Pat Freibert received the highest number of votes given for that office, as certified to the Secretary of State, and is, therefore, duly and regularly elected for the term prescribed by the Constitution.

/s/Drexell R. Davis, Chairman
/s/Earl R. Searcy, Member
/s/Raymond F. Bossmeyer, Member

ATTEST: /s/Charlotte Mullins
State Board of Elections
Executive Director

The oath was administered to the newly elected member by Chief Justice Palmore of the Kentucky Supreme Court.

Representative Brinkley moved that the reading of the Journal of January 26, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HCR 31, by Representatives Benson, Priddy, Fitzgerald, Clapp, B. Richardson, and Riner: A CONCURRENT RESOLUTION directing the Legislative Research Commission, in conjunction with the Interim Joint Committee on Appropriations and Revenue, to study the entire tax system in the Commonwealth of Kentucky.

HR 32, by Representatives Dawahare and F. Smith: A RESOLUTION honoring Roger Noe for being named an Outstanding Young Man of Kentucky.

HB 74, by Representative White: An ACT relating to a small miners' assistance program.

HB 75, by Representatives J. Allen, Guy, and Clarke: AN ACT relating to public utilities.

HB 76, by Representative Richards: AN ACT relating to public officials.

HB 77, by Representatives Bendl, Brown, Davenport, Dietz, Foster, Haering, Kidd, Little, Mann, Pearman, Petty, Richards, Turner, and Wright: AN ACT relating to sales and use taxes.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: HCR 28, SCR 13.

Appropriations and Revenue: SB 2.

Counties and Special Districts: **SB 5.**

State Government: **HR 30, HB 73.**

Posting of Bills and Resolutions

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: **HB 68.**

State Government: **HB 62.**

Report of Committees

The Committee on Appropriations and Revenue reported **HJR 4**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment No. 1A to **HJR 4** is as follows:

Amend printed copy of **HJR 4**, page 2, line 8, by deleting the following: the number 9 after the no. 7; and by adding in place thereof the number 8

The Committee on Appropriations and Revenue reported **HB 19**, and **HB 44**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 19, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I
GENERAL FUND

There is appropriated out of the General Fund for the fiscal year ending June 30, 1978, and, including any unappropriated surplus to the General Fund as of June 30, 1978, for the fiscal year beginning July 1, 1978, and ending June 30, 1979, and, including any unappropriated surplus to the General Fund as of June 30, 1979, for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the following sums for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, and agencies of the State Government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 21, 42 and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part I listed as follows:

A. GENERAL GOVERNMENT

1. GOVERNOR		
	1978-79	$ 789,800
	1979-80	$ 821,300
2. LIEUTENANT GOVERNOR		
	1978-79	$ 379,100
	1979-80	$ 407,100
3. SECRETARY OF STATE		
a. General Operations		
	1978-79	$ 645,800
	1979-80	$ 685,500
b. Restoration of Land Grant Books		
	1978-79	$ 47,000
	1979-80	$ 47,000
TOTAL—SECRETARY OF STATE		
	1978-79	$ 692,800
	1979-80	$ 732,500

4. BOARD OF ELECTIONS

1978-79 .... $ 1,137,700
1979-80 .... $ 1,166,200

Included in the above appropriation is $705,000 each fiscal year to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.105). Any unexpended balance remaining at the close of each fiscal year shall lapse to the credit of the General Fund. Any expenses in excess of the above amounts shall be deemed a necessary governmental expense.

5. TREASURER
1978-79 .... $ 853,200
1979-80 .... $ 882,000

6. DEPARTMENT OF LAW
1978-79 .... $ 2,541,200
1979-80 .... $ 2,755,200

Included in the above appropriation is $57,500 for fiscal year 1978-79 and $57,500 for fiscal year 1979-80 for the employment of three additional support staff for the Prosecutors Advisory Council.

7. AUDITOR OF PUBLIC ACCOUNTS
a. Investigations
1978-79 .... $ 88,000
1979-80 .... $ 121,000

Funds are appropriated for work other than routine financial audits.

b. County Audits
1978-79 .... $ 351,900
1979-80 .... $ 330,300

Funds are appropriated for audit of the receipt and expenditure of state and local funds by counties.

c. State Audits
1978-79 .... $ 903,600
1979-80 .... $ 1,299,900

Funds are appropriated for audit of the receipt and expenditures of funds by state agencies. Agencies and Funds to be audited during the 1978-80 biennium shall include the following:

1978-79
1) Executive Department for Finance and Administration
Review of the administrative and accounting controls of the state government to provide a basis for reliance thereon in auditing other state agencies. This will include a review of the policies and procedures of various state systems including purchasing, pre-audit, budgeting, accounting, computer operations, and internal audit. These tests will include some transactions in every agency of the government.
2) Capital Construction Fund
3) Salary Improvements for State Employees
4) Coal Miners' Pneumoconiosis Fund
5) Area Development Fund
6) Coal Severance Economic Aid Fund
7) Governor's General Contingency Fund
8) Commonwealth Credit Union
9) Data Processing
10) Federal Revenue Sharing Trust Fund
11) Trust and Revolving Fund Investment Pool
12) Agency-Federal Investment Pools Income
13) Coal Producing County Development Fund
14) Coal Severance Tax - Various Counties
15) Operating Fund Investment Pool Interest Income
16) Central Stores Operation
17) Duplicating - Printing Services
18) Rental Clearing Accounts - Various Buildings
19) Operating Funds for:
    Division of Air Transport
    Bureau of Computer Services
    Office for Policy and Management
    Bureau of Administrative Services
    Bureau of Facilities Management
20) Minimum Foundation Program and related programs
21) Natural Resources and Environmental Protection Cabinet
22) State Treasurer
23) Department of Personnel
24) Bureau of State Police
25) Kentucky Center for Energy Research

26) Murray State University
27) Kentucky State University
28) Kentucky Authority for Educational Television
29) Department of Fish and Wildlife
30) Department of Agriculture
31) Department of Parks
32) Department of Alcoholic Beverage Control
33) Heritage Commission

1979-80

1) General Government (Includes Finance)
2) Development Cabinet
3) Education and the Arts Cabinet
4) Higher Education
5) Department for Human Resources
6) Justice Cabinet
7) Natural Resources and Environmental Protection Cabinet
8) Public Protection and Regulation Cabinet
9) Department of Transportation
10) Teachers' Retirement System
11) Capital Construction
12) Judiciary

The Auditor of Public Accounts shall bill the respective state agencies for costs incurred in the audit of funds. The affected agencies shall pay the bills as submitted.

The Auditor of Public Accounts shall forward a copy of all billings of state agencies to the Executive Department for Finance and Administration. The Executive Department for Finance and Administration shall interaccount the respective state agencies for the amounts of the billings. The payment required in the paragraph above shall be deemed to have been made upon interaccount.

Proceeds from the billing of state agencies for audit of funds shall be credited to the General Fund.

Auditor of Public Accounts administrative and support costs shall be charged to the appropriate appropriations, and shall be included, where possible, in the billings to the auditees.

The Auditor of Public Accounts shall report in writing each sixty (60) days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. Such reports shall commence September 5, 1978.

No state agency shall enter into any contract with a non-governmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within thirty (30) days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

Any expenses incurred in the auditing of federal disaster relief funds shall be deemed a necessary governmental expense.

TOTAL—AUDITOR OF PUBLIC ACCOUNTS

1978-79	$ 1,343,500
1979-80	$ 1,751,200

8. SECRETARY OF THE CABINET

1978-79	$ 520,300
1979-80	$ 545,200

9. GENERAL CONTINGENCY FUND

1978-79	$ 2,250,000
1979-80	$ 2,250,000

Funds are appropriated for meeting expenses deemed necessary by the Governor, and to be expended by the Governor, at his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

10. CAPITAL PLAZA

1978-79	$ 2,252,600
1979-80	$ 2,239,300

11. COUNTY COSTS

1977-78	$ 1,472,000
1978-79	$ 12,677,000
1979-80	$ 12,697,000

All county costs funded by the General Fund are deemed to be necessary governmental expenses and additional funds may be allotted from the General Fund surplus by the Secretary of the Executive Department for Finance and Administration.

12. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

a. State Planning Fund

1978-79	$ 2,100,000
1979-80	$ 2,100,000

Any portion of the above appropriation for the State Planning Fund may be transferred to other major program areas or agencies of state government for the purpose of funding planning studies approved by the State Planning Committee. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

b. General Operations

1977-78	$ 1,356,900
1978-79	$ 13,546,800
1979-80	$ 13,717,800

Included in the above appropriation is $150,000 each fiscal year for payment to the city of Frankfort for the provision of fire and police protection and other services for state owned property in accordance with KRS 45.155.

c. Salary Improvements for State Employees

1978-79	$ 16,800,000
1979-80	$ 18,800,000

Any portion of the above appropriation may be transferred to any major program area or agency of state government for the purpose of meeting salary and benefit improvements for state employees as determined to be needed by the Executive Department for Finance and Administration based upon the recommendation of the Department of Personnel.

Any unexpended balance in the account for salary improvements for state employees at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

d. Maxey Flats Operation

1977-78	$ 350,000
1978-79	$ 700,000
1979-80	$ 700,000

Funds are appropriated for the operations of the Maxey Flats nuclear waste facility. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year and any unexpended blance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

e. Coal Miners' Pneumoconiosis Fund

1978-79	$ 4,000,000
1979-80	$ 4,000,000

These funds are appropriated to the Coal Miners' Pneumoconiosis Fund. This fund shall be used for compensating coal worker claimants entitled to benefits for coal workers' pneumoconiosis or silicosis as defined in KRS Chapter 342. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

f. Coal Severance Economic Aid Fund

1978-79	$ 5,000,000
1979-80	$ 5,000,000

Funds are appropriated for the purpose of making grants to the coal severance economic aid boards in accordance with KRS 42.330. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

g. Area Development Fund

1978-79	$ 6,000,000
1979-80	$ 6,000,000

Funds are appropriated for the purpose of making grants to the area development districts in accordance with Acts 1976, chapter 339, section 2. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

TOTAL—EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1977-78	$ 1,706,900
1978-79	$ 48,146,800
1979-80	$ 50,317,800

13. GENERAL OBLIGATION BONDS

1978-79	$ 10,407,000
1979-80	$ 10,423,000

14. COMMISSION ON HUMAN RIGHTS

1978-79	$ 769,700
1979-80	$ 801,100

15. DEPARTMENT FOR LOCAL GOVERNMENT

1978-79	$ 2,988,600
1979-80	$ 3,011,500

16. DEPARTMENT OF MILITARY AFFAIRS

1977-78	$ 4,700,000
1978-79	$ 2,289,900
1979-80	$ 2,442,400

Included in the above appropriation is $4,500,000 in fiscal year 1977-78 for payment of the state's share of the cost of the Individual and Family Grant program to the federal government. This program provided benefits to those involved in the April, 1977 flood in fifteen (15) Eastern Kentucky counties.

Any expenditures of funds as a result of the Governor's call of the Kentucky National Guard to active duty is hereby declared to be a necessary governmental expense provided, however, that an emergency situation shall have been declared to exist by the Governor.

17. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Kentucky Athletic Commission

1978-79	$ 43,700
1979-80	$ 45,700

b. Board of Proprietary Education

1978-79	$ 25,000
1979-80	$ 25,000

TOTAL—OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

1978-79	$ 68,700
1979-80	$ 70,700

18. DEPARTMENT OF PERSONNEL

1978-79	$ 2,864,300
1979-80	$ 3,067,100

Included in the above appropriation is $500,000 in fiscal year 1978-79 and $600,000 in fiscal year 1979-80 for an Automobile Liability Reimbursement program to be administered by the Department of Personnel.

Notwithstanding the provisions of KRS 18.330, the above appropriations are to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Fund or Revolving Trust and Agency Funds. Said appropriations may also be used for special training programs approved by the Secretary of the Executive Department for Finance and Administration.

Relative to merit hearings before the Personnel Board, the particular agency of which the complainant is or was an employee shall bear all of the administrative costs thereof whenever the Personnel Board rules in favor of the complainant, such as for example, but not limited to, the fees of court reporters, the printing or other reproduction expenses related to hearing transcripts, and other related matters. Relative to all appeals resulting from merit hearings of the Personnel Board, including appeals to the Circuit Court, Court of Appeals, or the Supreme Court, the particular agency of which the complainant in said hearing is or was an employee shall bear all of the costs thereof whenever the courts rule in favor of the complainant, chargeable to the Personnel Board, such as for example, but not limited to, legal fees and court costs and fees.

19. DEPARTMENT OF PUBLIC INFORMATION

1977-78	$ 200,000
1978-79	$ 4,182,000
1979-80	$ 4,255,000

Included in the above appropriation is $359,700 in fiscal year 1978-79 and $359,700 in fiscal year 1979-80 for the Cooperative Advertising program to encourage and assist local governments and agencies in the promotion of tourist attractions. The department may make matching grants not to exceed fifty percent (50%) of project cost to local governments and agencies for such purpose.

20. DEPARTMENT OF REVENUE

1978-79	$ 22,236,600
1979-80	$ 23,305,900

Included in the above appropriation is $6,418,400 in fiscal year 1978-79 and $6,893,900 in fiscal year 1979-80 for property valuation administrators; any expenses in excess of these amounts for property valuation administrators shall be deemed necessary governmental expenses.

21. FINANCIAL DISCLOSURE REVIEW COMMISSION

1978-79	$ 50,000
1979-80	$ 50,000

22. KENTUCKY PUBLIC EMPLOYEE DEFERRED COMPENSATION SYSTEM

1978-79	$ 86,400
1979-80	$ 90,900

23. COMMISSION ON WOMEN

1978-79	$ 82,700
1979-80	$ 85,500

24. PROSECUTORS ADVISORY COUNCIL

1977-78	$ 997,500
1978-79	$10,244,100
1979-80	$10,652,000

All expenditures concerning Commonwealth Attorneys and County Attorneys will be administered by the Executive Department for Finance and Administration while policy determination and decisions relating to discretionary funds will be made by the Prosecutors Advisory Council.

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse but shall continue into the 1978-79 fiscal year. Likewise, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

25. KENTUCKY HORSE COUNCIL

1978-79	$ 78,300
1979-80	$ 87,700

26. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION BOARD

1978-79	$ 586,000
1979-80	$ 586,000

Any unexpended balance, not to exceed $150,000, at the close of fiscal year 1977-78 shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance, not to exceed $150,000, at the close of fiscal year 1978-79 shall not lapse, but shall continue into the 1979-80 fiscal year.

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1978-79	$ 1,425,500
1979-80	$ 1,425,500

All items included within the Appropriations Not Otherwise Classified category shall be deemed necessary governmental expenses, and any expenditure over the above amounts is to be paid from the General Fund surplus. Appropriations Not Otherwise Classified includes the following items:

a. Back Tax Collections

b. Board of Claims Awards

Funds are appropriated for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $500 in cases where the operating agency admits negligence shall be paid from funds available for the operations of such agencies.

c. Judgments

For payment of such judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board; such payments, where applicable, shall be subject to the provisions of KRS Chapter 45. Also, to pay medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.941 and 164.892. However, in no event shall the total payments exceed the sum of $5,500,000 in any fiscal year.

d. Prior Year Claims

e. Unredeemed Checks Refunded

Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with the provisions of KRS 41.370.

f. Confederate Pensions

g. Blanket Employees Bonds

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

h. Franklin Circuit Court

For purposes of supplies and equipment in accordance with KRS 28.165.

i. Frankfort Planning Commission

j. Frankfort Cemetery

k. Public Improvements

Funds are appropriated for paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

l. Money Refunded

For refunding money paid into the State Treasury, which may later be determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and with the approval of the Secretary of the Executive Department for Finance and Administration and the Attorney General.

m. Police and Firemen - Life Insurance

Funds are appropriated for payment of benefits for state and local police and firemen in accordance with KRS 61.315.

n. Workmen's Compensation - Fee officers in counties over 75,000 in population
o. Master Commissioners - Employer Retirement
p. Master Commissioners - Social Security
q. Political Parties - Income Tax Checkoff

Funds are appropriated to pay all amounts designated by taxpayers on their income tax returns for remittance to the political party of their choice in accordance with KRS 141.072.

TOTAL—GENERAL GOVERNMENT

1977-78	$ 9,076,400
1978-79	$131,943,800
1979-80	$136,919,100

B. DEVELOPMENT

28. OFFICE OF THE SECRETARY

1977-78	$ 4,000,000
1978-79	$ 4,054,300
1979-80	$ 1,119,700

Included in the above appropriation is $4,000,000 in fiscal year 1977-78 and $3,000,000 in fiscal year 1978-79 for the Local Convention and Community Centers Fund. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year. Included in the above appropriation is $101,800 for fiscal year 1978-79 and $107,000 in fiscal year 1979-80 for the Office of Developmental Planning.

29. DEPARTMENT OF PARKS

1977-78	$ 160,000
1978-79	$ 15,343,300
1979-80	$ 15,787,800

Included in the above appropriation is $100,000 in fiscal year 1978-79 and $100,000 in fiscal year 1979-80 for the implementation of the "Kentucky Trails System Act" as required by KRS 148.610 through 148.790.

30. DEPARTMENT OF AGRICULTURE

1978-79	$ 5,089,300
1979-80	$ 5,267,700

31. BREAKS INTERSTATE PARK COMMISSION

1978-79	$ 112,500
1979-80	$ 112,500

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at the Breaks Interstate Park. In accordance with the Breaks Interstate Compact this appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively, and any deficit in appropriations by this state may be removed.

32. COUNCIL OF ECONOMIC ADVISORS

1978-79	$ 141,500
1979-80	$ 141,500

33. DEPARTMENT OF COMMERCE

1977-78	$ 34,400
1978-79	$ 3,643,500
1979-80	$ 4,037,700

34. STATE FAIR BOARD

1977-78	$ 140,500
1978-79	$ 3,434,200
1979-80	$ 4,561,800

35. COUNCIL ON AGRICULTURE

1978-79	$ 426,400
1979-80	$ 439,900

36. KENTUCKY DEVELOPMENT FINANCE AUTHORITY

1978-79	$ 4,050,000
1979-80	$ 1,550,000

Included in the above appropriation is $2,500,000 in fiscal year 1978-79 for the Multi-County Industrial Site Development program. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into 1979-80 fiscal year.

Included in the above appropriation is $750,000 in each fiscal year for an Agriculture Loan program. Also included in the above appropriation is $500,000 in each fiscal year for a Tourism Loan program.

TOTAL—DEVELOPMENT CABINET

1977-78	$ 4,334,900
1978-79	$ 36,295,000
1979-80	$ 33,018,600

C. EDUCATION

37. OFFICE OF THE SECRETARY

1978-79	$ 315,000
1979-80	$ 304,500

38. ARTS COMMISSION

a. General Operations

1978-79	$ 351,400
1979-80	$ 353,000

b. Challenge Grants

1978-79	$ 408,000
1979-80	$ 489,600

To be distributed to local arts fund raising organizations in accordance with applicable regulations promulgated by the Kentucky Arts Commission.

TOTAL - ARTS COMMISSION

1978-79	$ 759,400
1979-80	$ 842,600

39. DEPARTMENT OF EDUCATION

a. General Administration and Support Services

1977-78	$ 338,000
1978-79	$ 4,056,900
1979-80	$ 4,150,500

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year.

b. Education for Exceptional Children

1) General Operations

1978-79	$ 1,385,000
1979-80	$ 1,522,200

2) Residential Services

1977-78	$ 100,000
1978-79	$ 3,974,500
1979-80	$ 4,627,800

Total—Education for Exceptional Children

1977-78	$ 100,000
1978-79	$ 5,359,500
1979-80	$ 6,150,000

c. School Foundation Program

1978-79	$602,039,300
1979-80	$666,440,900

Accumulated earnings for the Common School Fund shall each fiscal year be transferred to the School Foundation Program.

The amount to be included for the 1978-79 school year in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule, for a term of 185 days for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	$ 12,770	$ 11,000	$ 9,330	$ 7,510	$ 6,630
4-9 years	14,100	12,330	10,760	7,510	6,630
10 years and over	15,290	13,520	12,230	7,510	6,630

Beginning with the school year 1979-80, the amount to be included in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule, for a term of 185 days, for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	$ 13,480	$ 11,630	$ 9,780	$ 7,850	$ 6,920
4-9 years	15,320	13,480	11,630	7,850	6,920
10 years and over	16,990	15,140	13,290	7,850	6,920

No working budget or salary schedule shall be approved in which the average salary paid any rank of teachers is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-three percent (93%) of the School Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board for Elementary and Secondary Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has, in fact, been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board for Elementary and Secondary Education, and said Board shall accept such certified determination as final.

The State Board for Elementary and Secondary Education shall not approve any working budgets or salary schedule summaries for local boards of education for the school years 1978-79 and 1979-80 in which the total amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries is not equal to the amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries in the preceding year, plus the additional amount for teachers' salaries received by the district under this appropriation for a 185 day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year in each local school district.

The allotment to any school district of classroom units, pursuant to KRS 157.360(1) shall not exceed the number of teachers employed by that school district.

Entitlement for basic classroom units obtained in schools of one classification shall not be allocated to schools of another classification. For the purposes of determining such entitlement, classification shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

In the determination of allotments pursuant to KRS 157.360(2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance or for any isolated one-teacher school which has fewer than 12 pupils in average daily attendance.

Notwithstanding the provisions of KRS 157.360(5), (6), and (10) the allotments, provision for which is made under this Act, for classroom units shall be as follows:

	1977-78	1978-79	1979-80
Vocational Education	2,732	2,782	2,857
Exceptional Children	3,810	3,710	4,110
Kindergarten	600	800	1,240

Provided, however, that if the budgeted units in any category of classroom units — Vocational Education, Exceptional Children, Kindergarten, and classroom units for elementary and secondary schools — prove to be excessive, the surplus not to exceed (100) such classroom units may be reallocated to any other category or categories by the Superintendent of Public Instruction, upon the approval of the State Board for Elementary and Secondary Education, the Secretary of the Executive Department for Finance and Administration, and the Governor.

In the event the total number of Vocational Contract units for pupils attending state vocational-technical schools or state-operated vocational education centers falls short of the projected 650 units in the 1978-79 school year or 625 units in the 1979-80 school year, the Superintendent of Public Instruction is hereby authorized, with written approval of the Secretary of the Executive Department for Finance and Administration, to transfer funds from the School Foundation Program appropriation to the Bureau of Vocational Education for the purpose of supporting vocational education programs for the Kentucky public school system. In no event, however, shall the funds authorized to be transferred under this authority exceed the unit value difference between the actual contract units and 650 in the 1978-79 school year and the unit value difference between the actual contract units and 625 in the 1979-80 school year, provided that nothing herein shall jeopardize the School Foundation Program funding of the public common schools.

Allotments for classroom units pursuant to KRS 157.360(7) shall only be for those personnel enumerated under said section who are qualified for their respective positions under applicable provisions of law and regulations and who maintain programs which have been approved pursuant to applicable regulations.

The value for other current expenses in the 1977-78 school year through the School Foundation Program shall increase from $2,364 to $2,419 for purposes of allotting a one-time grant to local school districts to defray energy related expenses. The amount to be included in the Foundation Program for other current expenses in the 1978-80 biennium shall be determined by multiplying the number of classroom units by: $2,650 in the 1978-79 school year and $2,950 in the 1979-80 school year.

The amount to be included in the Foundation Program for capital outlay shall be determined by multiplying the number of classroom units by: $1,800 in the 1978-79 school year and $1,800 in the 1979-80 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board for Elementary and Secondary Education may adopt regulations for the housing of school children. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than 185 days or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the Foundation Program fund at the end of the fiscal year 1978-79 and 1979-80 shall lapse to the General Fund except where provisions to the contrary are provided in this Act. No unexpended portions of the School Foundation Program fund shall be expended at any time for the purpose of KRS 156.610 through 156.650 except as identified in this Act.

The total appropriation for the School Foundation Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 et. seq. If the required expenditures exceed these estimates, the Secretary of the Executive Department for Finance and Administration, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, of the total appropriation to the Foundation Program is subject to Part V, General Provisions, Section 8, of this Act, and the provisions of KRS 45.160.

d. Power Equalization

1978-79	$ 21,000,000
1979-80	$ 31,500,000

Funds are appropriated for the purpose of equalizing expenditures among students in local school districts in accordance with KRS 157.545 - 157.575.

e. Gifted Students

1978-79	$ 565,700
1979-80	$ 1,118,600

Funds are appropriated for the purpose of supporting a program for gifted or talented school-aged children in Kentucky's public schools in accordance with applicable regulations promulgated by the State Board for Elementary and Secondary Education.

f. Remedial Education

1979-80	$ 1,750,000

These funds are appropriated for the purpose of supporting a remedial education program in conjunction with the Department of Education's statewide diagnostic testing program. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

g. Juvenile Delinquency Prevention

1978-79	$ 150,000
1979-80	$ 200,000

Funds are appropriated for the purpose of deterring juvenile delinquency by supporting special educational services for delinquent school-aged youth in Kentucky's public schools. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

h. Instruction

1978-79	$ 9,554,100
1979-80	$ 11,106,500

Included in the above appropriation is $7,728,500 in fiscal year 1978-79 and $9,386,300 in fiscal year 1979-80 for the purchase of free textbooks in public schools.

i. Administration and Finance for Local School Systems

1978-79	$ 1,171,100
1979-80	$ 1,226,000

j. Out-of-District Children

1978-79	$ 1,488,900
1979-80	$ 1,879,400

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

Funds are provided for reimbursement to local school districts for programs provided in accordance with KRS 158.135 and applicable regulations. Provided, however, that if sufficient funds are not available to reimburse each district for the total cost of the services, each allocation shall be reduced in accordance with Part V, General Provisions, Section 8 of this Act.

k. Teacher Life Insurance

1978-79	$ 776,300
1979-80	$ 766,200

For providing life insurance to each full-time certificated and non-certificated employee of local boards of education.

l. Committee for School District Audits

1978-79	$ 227,100
1979-80	$ 244,500

m. Replacement of Student Fees

1978-79	$ 12,610,000
1979-80	$ 12,740,000

To be distributed to local school districts in accordance with appropriate administrative regulations to be promulgated by the Department of Education, for the abolishment of student fees. Twenty-five percent of each such allotment to local school districts shall be used for purchasing instructional materials.

n. Teacher Health Insurance

1978-79	$ 17,183,900
1979-80	$ 15,850,200

Funds are provided for the purchase of medical insurance for certificated and non-certificated full-time employees of local boards of education pursuant to applicable statutes and regulations. If the cost for life insurance or health insurance exceeds the level of appropriated funds in either of these categories, any unexpended School Foundation Program funds may be used to offset such expenditures, subject to the approval of the Secretary of the Executive Department for Finance and Administration.

o. State School Lunch Assistance

1978-79	$ 3,407,300
1979-80	$ 3,560,000

p. Vocational Education

1977-78	$ 1,000,000
1978-79	$ 31,721,600
1979-80	$ 35,231,300

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year, if in the determination of the Superintendent of Public Instruction and the Secretary of the Executive Department for Finance and Administration it is necessary for the continued operation of vocational education facilities.

q. Rehabilitation Services

1978-79	$ 2,934,600
1979-80	$ 3,384,900

TOTAL—DEPARTMENT OF EDUCATION

1977-78	$ 1,438,000
1978-79	$714,246,300
1979-80	$797,299.000

40. KENTUCKY EDUCATIONAL TELEVISION

1978-79	$ 6,146,400
1979-80	$ 6,386,000

Included in the above appropriation is $614,650 in fiscal year 1978-79 and $612,750 in fiscal year 1979-80 for debt service.

41. HERITAGE COMMISSION

1978-79	$ 831,000
1979-80	$ 831,000

42. HISTORICAL SOCIETY

1978-79	$ 1,018,700
1979-80	$ 1,078,200

43. DEPARTMENT OF LIBRARY AND ARCHIVES

1978-79	$ 5,573,600
1979-80	$ 5,697,200

44. BUREAU FOR THE BLIND

1978-79	$ 739,700
1979-80	$ 755,400

Included in the above appropriation is $297,300 in fiscal year 1978-79 and $313,000 in fiscal year 1979-80 for Kentucky Industries for the Blind. Also included is not less than $160,000 in fiscal year 1978-79 and not less than $160,000 in fiscal year 1979-80 for direct client service authorizations in the General Blind Services program.

45. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

1978-79	$ 11,200
1979-80	$ 11,200

46. KENTUCKY SCHOOL BUILDING AUTHORITY

1978-79	$ 80,000
1979-80	$ 80,000

TOTAL—EDUCATION AND ARTS

1977-78	$ 1,438,000
1978-79	$729,721,300
1979-80	$813,285,100

47. TEACHERS' RETIREMENT SYSTEM

1978-79	$ 68,576,300
1979-80	$ 76,518,500

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 through 161.710.

48. COUNCIL ON HIGHER EDUCATION

1978-79	$ 8,056,100
1979-80	$ 8,298,700

Included in the $8,056,100 appropriation for the 1978-79 fiscal year is $1,374,100 for General Administration and Support activities; $1,290,900 for Statewide Operations; $475,000 for Regional Operations; $1,826,500 for the Area Health Education System; and $3,089,600 for the Institutional Pools.

Included in the $8,298,700 appropriation for fiscal year 1979-80 is $1,429,300 for General Administration and Support; $1,403,300 for Statewide Operations; $550,000 for Regional Operations; $1,826,500 for the Area Health Education System; and $3,089,600 for the Institutional Pools.

In fiscal year 1978-79, $2,500,000 and in fiscal year 1979-80, $2,500,000 is appropriated to the Council on Higher Education for allocation to the institutions of public higher education for undergraduate enrollment growth and program development. Any distribution of the funds for enrollment growth purposes shall be computed based upon the following factors.

1. The Council on Higher Education shall submit to Office for Policy and Management, Executive Department for Finance and Administration, on or before July 1 for the fiscal year for which the appropriation is available, all cost data, computations, and recommendations for distributing the funds for enrollment growth.
2. Recommendations to the Office for Policy and Management for allotment purposes shall be based upon the projected fall undergraduate credit hour production for the fiscal year in which the appropriation is available with a computation of the full time equivalent enrollments and credit hour production in the undergraduate programs for the two preceding fall and spring semesters.
3. The Council on Higher Education shall also furnish the Office for Policy and Management computations which reflect the total actual cost per credit hour and the amount of that cost which is supported by the state appropriation for the latest fiscal year that the data can be obtained. In furnishing such information the Council on Higher Education shall identify separately data regarding the University of Kentucky Community College system.
4. There is hereby established for calculation and distribution purposes an enrollment growth pool base year. This base year shall be defined as the level of undergraduate enrollments for the fall semester 1975 as calculated by the Council on Higher Education and utilized for distribution purposes in fiscal year 1976-77.
5. Enrollment growth computations after fiscal year 1975-76 shall be expressed as factors of this base. Allocations for enrollment increases over this base shall be reduced by allotments already received since the establishment of the base, except that any allotment for this purpose, for a preceding year shall not be reduced.
6. The amount to be distributed to each institution shall be based upon the analysis of cost as determined by the Council and projected growth, if any, in the number of undergraduate credit hours to be produced.
7. Institutions receiving enrollment growth funds in 1978-79 and 1979-80 based upon projected increases, which do not attain the projected levels will have that portion of the funds returned to the Council on Higher Education prior to April 1, 1979, and April 1, 1980.

Also, included in the Institutional Pools program is $589,600 each year of the biennium for the purposes of upgrading faculty salary levels at the regional universities and the community colleges. The Council shall notify the institutions of the distribution of funds on or prior to April 1, 1978. The distribution is to be effected prior to August 1, 1978 pending a review by the Council of the institutions faculty salary levels, and subsequent recommendation to the Office for Policy and Management.

49. HIGHER EDUCATION ASSISTANCE AUTHORITY

1978-79	$ 4,050,000
1979-80	$ 3,900,000

In fiscal year 1978-79 and 1979-80 $2,000,000 is appropriated for the State Student Incentive Grant Program. The Kentucky Tuition Grant Program is appropriated $1,900,000 in fiscal year 1978-79 and $1,900,000 in fiscal year 1979-80. Also, $150,000 is appropriated in fiscal year 1978-79 for the Commonwealth Work/Study program.

50. UNIVERSITY OF KENTUCKY

1977-78	$ 625,300
1978-79	$112,110,100
1979-80	$123,187,800

51. UNIVERSITY OF LOUISVILLE

1977-78	$ 500,000
1978-79	$ 56,386,100
1979-80	$ 64,971,200

52. EASTERN KENTUCKY UNIVERSITY

1978-79	$ 25,794,600
1979-80	$ 27,780,400

53. WESTERN KENTUCKY UNIVERSITY

1977-78	$ 92,700
1978-79	$ 24,654,700
1979-80	$ 26,356,500

54. MOREHEAD STATE UNIVERSITY

1978-79	$ 15,799,400
1979-80	$ 16,953,900

55. MURRAY STATE UNIVERSITY

1977-78	$ 66,600
1978-79	$ 19,107,700
1979-80	$ 20,874,900

56. KENTUCKY STATE UNIVERSITY

1977-78	$ 266,900
1978-79	$ 7,567,500
1979-80	$ 8,587,600

57. NORTHERN KENTUCKY UNIVERSITY

1978-79	$ 13,334,800
1979-80	$ 14,400,300

TOTAL—HIGHER EDUCATION

1977-78	$ 1,551,500
1978-79	$286,861,000
1979-80	$315,311,300

D. HUMAN RESOURCES

58. DEPARTMENT FOR HUMAN RESOURCES
    a. Bureau for Social Insurance
        1. Administration

1977-78	$ 22,076,100
1978-79	$ 22,415,600
1979-80	$ 23,776,100

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the bureau, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration. Notwithstanding KRS 45.235, any unexpended balance not used for Public Assistance Benefits remaining at the close of the 1978-79 fiscal year shall lapse.

2. Benefits

1977-78	$116,783,600
1978-79	$129,588,900
1979-80	$144,737,100

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance.

Included in the above appropriation for benefits is not more than $90,000 in fiscal year 1978-79 and not more than $90,000 in fiscal year 1979-80 to be utilized for the purpose of providing dentures as an optional program service to recipients of medical assistance. Except that any unused portion of the $90,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $90,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of dentures shall cease as an optional program service under medical assistance.

Also, included in the above appropriation for benefits is not more than $750,000 in fiscal year 1978-79 and not more than $750,000 in fiscal year 1979-80 to be utilized for a program of short-term crisis assistance. Except that any unused portion of the $750,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $750,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of short-term crisis assistance shall cease.

No portion of this appropriation may be used for the costs of administration except with the prior written approval of the Governor. In no instance shall the unexpended balance carried forward, as provided by KRS 45.235, or any portion thereof be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration.

All medical assistance vendor statements for services rendered as a result of bona fide claims for medical care may be paid in the fiscal year in which such statements are received by the paying agency.

b. Bureau for Manpower Services

1977-78	$ 580,000
1978-79	$ 580,000
1979-80	$ 580,000

c. Bureau for Health Services

1977-78	$ 56,988,300
1978-79	$ 61,851,300
1979-80	$ 68,644,300

d. Bureau for Social Services

1977-78	$ 22,823,400
1978-79	$ 26,439,900
1979-80	$ 28,567,100

e. Executive Policy Support

1977-78	$ 8,514,000
1978-79	$ 9,416,700
1979-80	$ 9,352,700

TOTAL—HUMAN RESOURCES

1977-78	$227,765,400
1978-79	$250,292,400
1979-80	$275,657,300

E. JUDICIARY

59. JUDICIARY

a. Court Operation and Administration

1977-78	$ 2,759,700
1978-79	$ 34,575,700
1979-80	$ 35,868,800

To be used for the purposes of the Supreme Court, Court of Appeals, Circuit Court, District Court, Clerk of Supreme Court, Court Administrators, the Administrative Office of the Court, Pretrial Release, Judicial Boards and Commissions, Judicial Retirement, and for services performed by the Circuit Clerk offices, including both circuit and district court support. The specific allocation of clerk personnel and operating expenses shall be made by the Administrative Office of the Court of Justice, based on the statewide need.

Excluded from the above appropriation are funds for all judges' salary increases.

Included in the above appropriation is $296,000 in fiscal year 1978-79 and $296,000 in fiscal year 1979-80 to be used for employment of secretary/recorders for district judges. The specific allocation of district court secretary/recorders and operating expenses shall be made by the Administrative Office of the Court of Justice based upon the same procedures for the allocation of circuit clerk deputies.

b. Local Facility Support

1978-79	$ 3,586,500
1979-80	$ 4,873,000

To be used to secure court facilities to support the Unified Court of Justice system.

TOTAL—JUDICIARY

1977-78	$ 2,759,700
1978-79	$ 38,162,200
1979-80	$ 40,741,800

F. JUSTICE

60. DEPARTMENT OF JUSTICE

a. Bureau of Training

1978-79	$ 1,611,000
1979-80	$ 1,637,500

b. Bureau of Corrections

1978-79	$ 26,403,100
1979-80	$ 28,762,900

c. Bureau of State Police

1978-79	$ 37,453,700
1979-80	$ 39,749,500

Any extraordinary expenditures of funds as a result of the Governor's call of the Kentucky State Police to extraordinary duty is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor. This section shall become effective immediately upon its enactment by the General Assembly and approval by the Governor and shall be deemed to be retroactive for the 1977-78 fiscal year.

d. Public Defender

1978-79	$ 2,812,700
1979-80	$ 2,964,900

e. Justice Administration

1978-79	$ 8,432,200
1979-80	$ 8,484,100

The annual criminal justice plan developed by the Department of Justice as required by Federal law shall be submitted upon publication to the Interim Joint Appropriations and Revenue Committee.

TOTAL—DEPARTMENT OF JUSTICE

1978-79	$ 76,712,700
1979-80	$ 81,598,900

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

61. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources

1978-79	$ 10,226,000
1979-80	$ 8,915,800

Not less than $60,000 of the appropriation for each fiscal year shall be set aside for emergency forest fire suppression. Any expenditure for emergency fire suppression in excess of this amount in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor.

b. Bureau for Environmental Protection

1978-79	$ 5,458,000
1979-80	$ 5,543,400

In the event that enabling legislation to implement a vehicle emissions inspection program is not enacted by the 1978 General Assembly, $220,400 in fiscal year 1978-1979 and $34,000 in fiscal year 1979-80 of the above appropriations shall remain unallotted and shall lapse to the credit of the General Fund and the Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer $100,000 in fiscal year 1979-80 to the Bureau for Natural Resources for the purpose of equipment replacement and $6,000 in fiscal year 1978-79 and $6,000 in fiscal year 1979-80 to the Kentucky Nature Preserves Commission for the purpose of agency operations.

c. Bureau for Surface Mining Reclamation and Enforcement

1977-78	$ 200,000
1978-79	$ 3,867,400
1979-80	$ 4,193,100

d. General Administration and Support

1978-79	$ 1,724,700
1979-80	$ 1,797,100

TOTAL—DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1977-78	$ 200,000
1978-79	$ 21,276,100
1979-80	$ 20,449,400

62. ENVIRONMENTAL QUALITY COMMISSION

1978-79	$ 47,500
1979-80	$ 47,500

63. KENTUCKY NATURE PRESERVES COMMISSION

1978-79	$ 97,400
1979-80	$ 104,100

TOTAL—NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1977-78	$ 200,000
1978-79	$ 21,421,000
1979-80	$ 20,601,000

H. PUBLIC PROTECTION AND REGULATION

64. OFFICE OF THE SECRETARY

1978-79	$ 168,700
1979-80	$ 177,600

65. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1978-79	$ 846,300
1979-80	$ 890,600

66. DEPARTMENT OF BANKING AND SECURITIES

1978-79	$ 1,602,600
1979-80	$ 1,679,800

Notwithstanding the provision of KRS 47.130, receipts collected by the Department shall be paid into the General Fund.

67. BOARD OF TAX APPEALS

1978-79	$ 118,300
1979-80	$ 121,300

68. DEPARTMENT OF INSURANCE

1978-79	$ 1,281,100
1979-80	$ 1,346,700

69. DEPARTMENT OF LABOR

1978-79	$ 1,183,700
1979-80	$ 1,204,400

70. REGISTRY OF ELECTION FINANCE

1978-79	$ 180,500
1979-80	$ 189,500

71. DEPARTMENT OF MINES AND MINERALS

1978-79	$ 4,080,900
1979-80	$ 3,885,400

72. PUBLIC SERVICE COMMISSION

1977-78	$ 288,500
1978-79	$ 2,220,400
1979-80	$ 2,296,100

Included in the above appropriation is $173,300 in fiscal year 1978-79 and $169,000 in fiscal year 1979-80 for compliance with the National Energy Act (HR 8444). In the event that the National Energy Act (HR 8444) is not enacted by the United States Congress during the 1978-80 biennium, these funds shall remain unallotted and shall lapse to the credit of the General Fund at the end of each fiscal year.

73. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

1978-79	$ 81,000
1979-80	$ 84,000

74. KENTUCKY STATE RACING COMMISSION

1978-79	$ 444,200
1979-80	$ 501,800

75. KENTUCKY HARNESS RACING COMMISSION

1978-79	$ 312,300
1979-80	$ 330,900

76. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

1977-78	$ 500,000
1978-79	$ 2,977,700
1979-80	$ 3,039,100

TOTAL—PUBLIC PROTECTION AND REGULATION

1977-78	$ 788,500
1978-79	$ 15,497,700
1979-80	$ 15,747,200

I. TRANSPORTATION

77. DEPARTMENT OF TRANSPORTATION

a. Air Transportation

1978-79	$ 2,473,400
1979-80	$ 2,898,300

Included in the above appropriation is $2,080,300 in fiscal year 1978-79 and $2,498,700 in fiscal year 1979-80 for the Airport Development Fund. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

b. Water Transportation

1978-79	$ 965,000
1979-80	$ 1,009,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

c. Rail Transportation

1978-79	$ 476,000
1979-80	$ 776,000

Included in the above appropriation is $420,000 in fiscal year 1978-79 and $720,000 in fiscal year 1979-80 for the purpose of establishing a Railroad Development program. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

d. Public Transportation

1978-79	$ 703,400
1979-80	$ 703,400

Included in the above appropriation is $500,000 each fiscal year for the purchase of general municipal transportation vehicles. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

e. General Administration and Support

1978-79	$ 580,900
1979-80	$ 580,900

Included in the above appropriation is $125,000 each fiscal year for the purpose of conducting a continuing statewide transportation systems planning program relating to rail, water and air freight, and commodity movement. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

f. Highways

1) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79	$ 3,824,600
1979-80	$ 4,014,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

2) Energy Road Fund

1978-79	$ 13,000,000
1979-80	$ 13,000,000

These funds are appropriated to the Energy Road Fund. This fund shall be used for the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge in "coal producing counties" as defined by law. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79	$ 22,023,300

1979-80	$ 22,982,600

J. ENERGY

78. DEPARTMENT OF ENERGY

a. General Operations

1977-78	$ 883,200
1978-79	$ 6,853,300
1979-80	$ 7,216,100

b. Demonstration Trust Fund

1978-79	$ 1,000,000
1979-80	$ 3,400,000

The Department of Energy will be responsible for the functions previously carried out by the Kentucky Center for Energy Research and the Department of Energy.

TOTAL—DEPARTMENT OF ENERGY

1977-78	$ 883,200
1978-79	$ 7,853,300
1979-80	$ 10,616,100

PART II

TRUST AND AGENCY FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1979, and for the fiscal year ending June 30, 1980, all of the fees (which include fees for board and room, athletics, and student activities) and rental, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, Federal grants and other Federal funds received, contributions, income from investments and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Trust and Revolving, or an Agency Fund out of which shall be established separate Trust and Revolving or Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All funds received are appropriated and shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapters 12, 42, and 45.

In the event receipts received and credited to any Trust and Revolving or Agency Fund account during fiscal year 1978-79 or fiscal year 1979-80 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account for the fiscal year in which the excess occurs; provided, however, that with the exception of Federal grants and other Federal funds received, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Executive Director of the Office for Policy and Management upon approval of the Secretary of the Executive Department for Finance and Administration.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Trust and Revolving or Agency Fund account, through the Executive Department for Finance and Administration, during the fiscal year ending June 30, 1979, and during the fiscal year ending June 30, 1980, all receipts placed to the credit of the Trust and Revolving or Agency Fund for such year, out of which has been established a Trust and Revolving or Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Executive Department for Finance and Administration. On or before the beginning of each fiscal year, each agency shall submit to the Executive Department for Finance and Administration schedules showing estimated receipts and estimated expenditures by quarterly period.

A. GENERAL GOVERNMENT

1. AUDITOR OF PUBLIC ACCOUNTS

a. Auditing County Governments

2. SECRETARY OF STATE

Notwithstanding the provisions of KRS 271A.625, KRS 271A.630, KRS 271A.635, and KRS 56.300; all the operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Fund.

3. CAPITAL PLAZA

a. Commercial Area

1978-79	$ 104,000
1979-80	$ 99,000

b. Recreation and Entertainment Facilities

1978-79	$ 115,400
1979-80	$ 120,500

c. Debt Service

4. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

All funds received under the federal Public Works Employment Act of 1976, Title II, Public Law 94-369 as amended by Title VI of Public Law 95-30 and as subsequently reenacted or amended are hereby appropriated to the Executive Department for Finance and Administration to be used for the maintenance of basic services in and among the various agencies, cabinets, and departments of state government. Any portion of these funds may be transferred to other major program areas or agencies of state government for the purpose of continuing basic services; provided, however, that such transfers shall be used to reduce General Fund appropriations and shall not in any way increase the expenditure level authorized by the General Assembly.

5. KENTUCKY RETIREMENT SYSTEMS

6. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

		1978-79	1979-80
a.	Board of Accountancy	$ 94,800	$124,900
b.	Board of Architects	$ 52,000	$ 53,100
c.	Board of Auctioneers	$ 48,700	$ 48,700
d.	Board of Barbers	$105,200	$111,700
e.	Board of Chiropractic Examiners	$ 36,000	$ 39,000
f.	Board of Dental Examiners	$ 79,000	$ 83,700
g.	Board of Embalmers and Funeral Directors	$ 43,800	$ 51,600
h.	Board of Engineers and Land Surveyors	$125,400	$128,800
i.	Board of Hairdressers and Cosmetologists	$311,400	$297,500
j.	Board of Hearing Aid Dealers	$ 8,500	$ 8,200
k.	Board of Landscape Architecture	$ 8,300	$ 8,600
l.	Board of Medical Licensure	$145,500	$145,500
m.	Board of Nurses	$320,100	$335,300
n.	Nursing Home Administrators Licensure Board	$ 24,900	$ 25,500
o.	Board of Ophthalmic Dispensers	$ 6,200	$ 6,300
p.	Board of Optometric Examiners	$ 18,400	$ 18,400
q.	Board of Pharmacy	$163,600	$171,600
r.	Board of Physical Therapy	$ 13,600	$ 15,000
s.	Board of Podiatry	$ 2,500	$ 2,500
t.	Board of Proprietary Education	$ 41,400	$ 44,300
u.	Board of Psychology	$ 17,000	$ 16,700
v.	Real Estate Commission		
	1. Examination and Licensing	$266,800	$277,800
	2. Real Estate Education Research and Recovery	$349,500	$357,500
w.	Board of Social Workers	$ 40,300	$ 42,100
x.	Board of Speech Pathologists and Audiologists	$ 6,900	$ 6,500
y.	Board of Veterinary Examiners	$ 18,600	$ 18,600
z.	Board of Watchmaking	$ 9,300	$ 9,300

7. DEPARTMENT OF PERSONNEL

8. DEPARTMENT OF REVENUE

9. COUNTY FEES

County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell, and Daviess are for paying the various officials of each county enumerated, seventy-five percent (75 percent) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Executive Department for Finance and Administration in the form and manner prescribed by law and approved by the Secretary of the Executive Department for Finance and Administration, and to pay the Fiscal Court of each of said counties twenty-five percent (25 percent) of said fees as required by KRS 64.350.

10. MILITARY AFFAIRS

11. DEPARTMENT OF LAW

a. Uninsured Employers Fund

1978-79	$ 331,000
1979-80	$ 354,500

b. Anti-Trust Unit

1978-79	$ 124,000
1979-80	$ 32,500

12. KENTUCKY HORSE COUNCIL

13. BOARD OF ELECTIONS

1978-79	$ 25,000
1979-80	$ 25,000

14. DEPARTMENT FOR LOCAL GOVERNMENT

B. DEVELOPMENT

15. OFFICE OF THE SECRETARY

1978-79	$ 150,000
1979-80	$ 150,000

16. DEPARTMENT OF PARKS

1978-79	$ 20,162,400
1979-80	$ 21,937,000

17. DEPARTMENT OF AGRICULTURE

1978-79	$ 1,881,000
1979-80	$ 1,910,800

18. DEPARTMENT OF FISH AND WILDLIFE

19. DEPARTMENT OF COMMERCE

1978-79	$ 460,000
1979-80	$ 354,000

20. STATE FAIR BOARD

1978-79	$ 7,457,200
1979-80	$ 7,396,000

21. KENTUCKY INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY

1978-79	$ 1,303,400
1979-80	$ 851,000

C. EDUCATION

22. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

23. OFFICE OF THE SECRETARY

24. ARTS COMMISSION

25. DEPARTMENT OF EDUCATION

a. General Administration and Support Services

b. Education for Exceptional Children

1978-79	$ 5,414,200
1979-80	$ 7,901,900

c. Instruction

1978-79	$ 45,000,000
1979-80	$ 45,000,000

d. Administration and Finance for Local School Systems

e. Vocational Education

1978-79 .... $ 28,000,000
1979-80 .... $ 28,000,000

f. Vocational Rehabilitation
1978-79 .... $ 15,000,000
1979-80 .... $ 16,000,000

26. KENTUCKY EDUCATIONAL TELEVISION

27. HERITAGE COMMISSION

28. HISTORICAL SOCIETY

29. DEPARTMENT OF LIBRARY AND ARCHIVES

30. BUREAU FOR THE BLIND

31. TEACHER'S RETIREMENT SYSTEM

32. COUNCIL ON HIGHER EDUCATION
1978-79 .... $ 316,700
1979-80 .... $ 297,100

33. HIGHER EDUCATION ASSISTANCE AUTHORITY

Those fund balances in the student loan program may with the approval of the Office for Policy and Management be expended for loans, loan reserves, and other purposes related to the Authority's implementation of the state insured loan program.

34. UNIVERSITY OF KENTUCKY

35. UNIVERSITY OF LOUISVILLE

36. EASTERN KENTUCKY UNIVERSITY

37. WESTERN KENTUCKY UNIVERSITY

38. MOREHEAD STATE UNIVERSITY

39. MURRAY STATE UNIVERSITY

40. KENTUCKY STATE UNIVERSITY

41. NORTHERN KENTUCKY UNIVERSITY

D. HUMAN RESOURCES

42. DEPARTMENT FOR HUMAN RESOURCES

a. Bureau for Social Insurance
1978-79 .... $420,869,800
1979-80 .... $437,610,300

b. Bureau for Manpower Services
1978-79 .... $ 58,329,000
1979-80 .... $ 54,415,400

c. Bureau for Health Services
1978-79 .... $ 56,751,900
1979-80 .... $ 59,887,300

d. Bureau for Social Services
1978-79 .... $ 59,725,000
1979-80 .... $ 61,755,800

e. Executive Policy Support
1978-79 .... $ 16,906,900
1979-80 .... $ 18,652,600

E. JUDICIARY

43. JUDICIARY
1978-79 .... $ 973,600
1979-80 .... $ 974,300

F. JUSTICE

44. DEPARTMENT OF JUSTICE
  a. Bureau of Training
    1978-79 .... $ 125,500
    1979-80 .... $ 132,100
  b. Bureau of Corrections
    1978-79 .... $ 2,164,800
    1979-80 .... $ 1,987,600
  c. Bureau of State Police
    1978-79 .... $ 777,000
    1979-80 .... $ 450,000
  d. Public Defender
    1978-79 .... $ 50,700
    1979-80 .... $ 29,500
  e. Justice Administration
    1978-79 .... $ 6,421,300
    1979-80 .... $ 6,598,700

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

45. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
  a. Bureau for Natural Resources
    1978-79 .... $ 485,000
    1979-80 .... $ 485,000
  b. Bureau for Environmental Protection
    1978-79 .... $ 550,000
    1979-80 .... $ 1,415,000
  c. General Administration and Support
    1978-79 .... $ 325,000
    1979-80 .... $ 325,000
  d. Bureau for Surface Mining Reclamation and Enforcement

H. PUBLIC PROTECTION AND REGULATION

46. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
    1978-79 .... $ 3,000
    1979-80 .... $ 3,000

47. DEPARTMENT OF INSURANCE

48. DEPARTMENT OF LABOR
  a. Occupational Safety and Health
    1978-79 .... $ 3,574,400
    1979-80 .... $ 3,798,400
  b. Special Fund
  c. Elevator Safety
    1978-79 .... $ 43,600
    1979-80 .... $ 43,600
  d. Workmen's Compensation Board
    1978-79 .... $ 1,906,900
    1979-80 .... $ 1,979,300

For the general operations of the Workmen's Compensation Board and administrative services provided to the Board through the General Administration and Support program.

49. DEPARTMENT OF MINES AND MINERALS
    1978-79 .... $ 447,800
    1979-80 .... $ 491,000

50. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

51. KENTUCKY STATE RACING COMMISSION

52. KENTUCKY HARNESS RACING COMMISSION

53. PUBLIC SERVICE COMMISSION

54. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

I. TRANSPORTATION

55. DEPARTMENT OF TRANSPORTATION
    a. Air Transportation
        1978-79 .... $ 5,532,500
        1979-80 .... $ 8,276,200
    b. Water Transportation
    c. Rail Transportation
    d. Mass Transportation
    e. General Administration
    f. Highways
        1) Bureau of Highways
        2) Bureau of Vehicle Regulation
            1978-79 .... $ 1,551,500
            1979-80 .... $ 1,570,600

J. ENERGY

56. DEPARTMENT OF ENERGY
        1978-79 .... $ 3,860,700
        1979-80 .... $ 2,571,700

PART III

TRANSPORTATION FUND

Monies in the Transportation Fund are appropriated for use by the Department of Transportation in its activities, functions, and duties performed by it as prescribed by law. The Transportation Fund shall consist of all the state revenues realized from fees, taxes, and license fees levied for state road purposes authorized by law, and any additional or other revenues, grants, or funds, including any amount which may be received from Federal aid, bond funds, General Funds appropriated, or any other sources pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Transportation. Such receipts and revenues, and unappropriated surplus, together with any balance as of June 30, 1978, shall constitute the Transportation Fund for the fiscal years 1978-79 and 1979-80 respectively. An annual budget for each fiscal year shall be submitted by the Department of Transportation to the Executive Department for Finance and Administration for approval by June 1, 1978, for fiscal year 1978-79 and by June 1, 1979, for fiscal year 1979-80. The budget shall be based upon the most current State Road Fund estimates and Surplus, estimates of contractual and noncontractual Federal aid, General Fund appropriated, and funds and fees from any other source.

In the event the State Road Fund estimates are revised during the biennium the Department of Transportation shall submit its annual budget based upon the new estimates. These estimates are to be certified by the Commissioner of Revenue to the Secretary of the Executive Department for Finance and Administration and upon the approval of the Governor the Secretary of the Executive Department for Finance and Administration shall make the appropriate increases or decreases to the Department of Transportation's annual budget. If the State Road Fund estimates are increased or decreased during a fiscal year the Department of Transportation shall request from the Executive Department for Finance and Administration with approval of the Governor authority to increase or decrease its annual budget in accordance with Part V, General Provisions, Section 8 of this Act. The following monies are appropriated from the State Road Fund.

A. TRANSPORTATION

1. DEPARTMENT OF TRANSPORTATION
    a. General Administration
        1978-79 .... $ 32,494,200
        1979-80 .... $ 33,413,700
    b. Highways
        1) Bureau of Highways
            1978-79 .... $361,693,500
            1979-80 .... $375,394,000

Included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $15,000,000 for the County Road Aid program. Also included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $5,000,000 for the Municipal Aid program. In the event that the United States Congress fails to provide funding for the establishment of a "Federal Coal Haul Road System", $10,000,000 in fiscal year 1979-80 of state Road Fund monies shall be used for the County Road Aid program.

a) Rural Highways

i. County Road Aid. For construction, reconstruction, improvement, and maintenance of county roads and bridges the designated portion of all revenue received pursuant to KRS 138.220 and 138.565 shall be expended in accordance with KRS 177.320(2). These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360.

ii. Rural Secondary Roads. For construction, reconstruction, and maintenance of rural and secondary roads, the designated portion of all revenue received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended in accordance with KRS

177.320. These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360. In addition, pursuant to the duties and responsibilities of county judges/executives associated with the administration of the local county road program, beginning January 1, 1978, the expense allowance for each county judge/executive shall be paid from the Transportation Fund. These expenses shall be paid from those appropriated funds for the rural secondary road revenue sharing program as provided in KRS 177.360 and KRS 67.

b) Municipal Aid. For the construction, reconstruction, and maintenance of urban roads, streets, and bridges, the designated amounts received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended and distributed in accordance with KRS 177.365 through 177.368.

2) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79	$ 2,642,100
1979-80	$ 3,278,200

Total—Highways

1978-79	$364,335,600
1979-80	$378,672,200

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79	$396,829,800
1979-80	$412,085,900

PART IV

CAPITAL CONSTRUCTION FUND

A. GENERAL FUND

1. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1977-78	$ 3,087,600
1978-79	$ 7,351,700
1979-80	$ 2,544,700

Monies are appropriated for capital projects among those enumerated in the budget document and among those capital projects previously and partially funded by the 1974 General Assembly and those projects authorized by the 1976 Extraordinary Session, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and administrative costs relating to the design, construction, and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects, dam repair and maintenance, flood damage abatement projects, sewer projects and loans and grants in aid for capital purposes, the provisions of subsection (9) of KRS 45.040 notwithstanding, excluding however consumable and other usable supplies. Those projects set forth in the budget document under the subheading "colleges and universities" are subject to substitution upon action of the Council on Higher Education and subject to the approval of the Executive Department for Finance and Administration. There shall be allocated from the balance of the Capital Construction Fund remaining on June 30, 1978, $750,000 for fiscal year 1978-79 and $750,000 for fiscal year 1979-80 for replacement of major items of equipment for Kentucky Educational Television. The funds are appropriated for this purpose.

The Council on Higher Education shall submit to the Legislative Research Commission written notice prior to the issuance and sale of definitive bonds or temporary bonds or the securing of interim financing through bond anticipation notes, loan agreements or by any other means by any state college or university. This notice shall identify the project to be funded as well as the source and amount of funds.

All monies transferred to the Executive Department for Finance and Administration for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Executive Department for Finance and Administration for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed $2,000,000 and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the Secretary of the Executive Department for Finance and Administration, with the concurrence of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

The Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer up to ten (10) million dollars in funds from the School Foundation Program to the Capital Construction Fund for fiscal year 1977-78 for the purpose of removing architectural barrier from public buildings. The transfer shall only be completed upon verification from the Department of Education that uncommitted funds are available in the School Foundation Program and that the transfer of such funds will not jeopardize the intent of previous appropriations or the School Foundation Program appropriation and uses of the School Foundation Program Fund described elsewhere in this Act.

B. FEDERAL REVENUE SHARING

2. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1978-79	$ 40,000,000
1979-80	$ 41,000,000

These funds are appropriated in accordance with the provisions of the federal State and Local Fiscal Assistance Act of 1972 and extension thereof. In the event these monies, or any portion thereof, are not made available to the Commonwealth, the Secretary of the Executive Department for Finance and Administration shall take appropriate action as required by Part V, General Provisions, Section 8 of this Act.

PART V
GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1978,except Chapter 27, Part I, Section D of the 1976 Extraordinary Session Acts of the General Assembly which is hereby repealed, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42 and 45 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Executive Department for Finance and Administration. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Secretary for Finance and Administration in accordance with the detailed estimates embodied in the Executive Budget 1978-80 and supporting work papers, as considered by the General Assembly, and the decision of the Secretary of the Executive Department for Finance and Administration shall be final and conclusive.

2. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Secretary of the Executive Department for Finance and Administration is authorized to establish a system or formula or a combination of both for pro-rating the administrative costs of the Department of Personnel, Executive Department for Finance and Administration, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs.

4. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 56, 152, 177 and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of this Section, to the extent of such conflict, are hereby repealed.

5. No state agency, cabinet, department, office or program shall incur any obligation against the General Fund appropriations contained herein unless such obligation may be reasonably determined to have been contemplated in the Governor's budget proposal and is supported by appropriate work papers and other records pertaining thereto.

6. Any appropriation made herein by the General Fund in anticipation of a lack, loss or reduction of Federal grants shall lapse to the General Fund to the extent such Federal funds otherwise become available.

7. All funds received under the Federal Social Security Amendments of 1977, Public Law 95-216 (H.R. 9346, Sec. 401, 402, and 405) are hereby appropriated to the Department for Human Resources to be used to implement Community Work Experience programs as established under Kentucky Revised Statutes 205.650 - 205.700. In enacting this section of this Appropriation Act, it is the deliberate intention of the General Assembly that these funds should be used, within federal law and regulation, for federal match whenever possible to maximize their statewide impact.

8. Whereas, inasmuch as the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, cabinet, department, board, commission, institution, agency or other activity or subdivision of state government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Fund and to the Transportation Fund and accruing from various fees or from Federal funds from which appropriations are made can only be anticipated as being produced through existing laws and those that may hereafter be enacted, and recognizing the complex nature of the economy, it is the purpose and intention of this Act that the expenditures for each fiscal year shall not exceed the total financial resources accruing to any Fund, as defined in KRS Chapter 45, for the same fiscal year. As the conditions cannot be fully determined until after the adjournment of the 1978 General Assembly, and as the needs of each officer, cabinet, department, board, agency, commission, institution, subdivision or activity of state government, together with the total financial resources accruing to the General Fund and the Transportation Fund cannot be fully determined at this time, it is the intention and purpose of this General Assembly that the Secretary of the Executive Department for Finance and Administration, with the advice of the Commissioner of the Department of Revenue, upon approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government and to ascertain the total financial resources anticipated to be accrued to the General Fund and the Transportation Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Secretary of the Executive Department for Finance and Administration, in the manner set forth as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to needs, without discrimination, the appropriations herein made from the General Fund and Transportation Fund to each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity in state government,

provided, however, that the power invested shall not permit any reduction of the appropriations of any officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government that will actually impair the necessary constitutional functions of such agency or activity, the operations and functions of which are determined to be necessary constitutional functions of state government.

HB 44, AN ACT relating to revenue and taxation.

WHEREAS, the General Assembly intends in enacting this Act to reduce the impact of inflation on property taxes, both state and local, without reducing necessary governmental services;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of revenue.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the *current year's* [1972] assessment of the property subject to taxation by a taxing district, excluding *new property and personal property* [net assessment growth, as defined in KRS 132.425], produces an amount of revenue approximately equal to that produced in *the preceding year from real property* [1971].

(7) "Net assessment growth" means the difference in the total valuation of property subject to taxation by the county, city, school district or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and the total valuation of property subject to taxation by the county, city, school district or special district for the current year.

(8) "New property" means: The net difference in real property additions and deletions to the property tax roll for the current year, as certified by the property valuation administrator in accordance with the provisions of Section 2 of this Act, plus the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year.

(9) "Agricultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least ten contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average annual gross income including payments under a state or federal program according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
10 to 30	$1,000+	$60.00 per acre, or a fraction thereof, over 10 acres.
30 to 60	$2,200+	$40.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$3,400+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$4,400+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$5,900+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there must be an annual gross income of these amounts within two (2) years of purchase. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(10)[(8)] "Horticultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least five contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers or ornamental plants, where such activities produced an average annual gross income according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
5 to 30	$1,000 minimum, or	$100.00 per acre, or a fraction thereof, over 5 acres, or whichever amount is greater.
30 to 60	$3,000+	$50.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$4,500+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$5,500+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$7,000+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there is evidence of anticipated annual gross income of these amounts. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(11)[(9)] "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:

(a) Relative percentages of tillable land, pasture land, and woodland;
(b) Degree of productivity of the soil;
(c) Risk of flooding;
(d) Improvements to and on the land that relate to the production of income;
(e) Row crop capability including allotted crops;
(f) Accessibility to all-weather roads and markets; and
(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.

(12)[(10)] "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(13)[(11)] "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including, but not limited to lawns, drives, flower or vegetable gardens, outbuildings and all other land connected thereto.

(14)[(12)] "Residential unit" means all or that part of real property occupied as the permanent residence of the owner.

(15)[(13)] "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

SECTION 2. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The property valuation administrator shall maintain lists of all parcels of real property which are added to the tax rolls and all parcels which are deleted from the rolls for the county and each city, school district and special district in the county, and shall certify such lists to the department of revenue, the state local finance officer, the city clerk of each city in the county, and the treasurer or chief officer of each special district in the county at the time he files his recapitulation of property assessed on the tax roll with the department of revenue.

Section 3. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2§) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25§) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15§) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15§) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15§) upon property which has been certified as a pollution

control facility as defined in KRS 224.850, and forty-five cents (45§) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) [Effective on and after January 1, 1968,] An annual ad valorem tax for state purposes of one and one-half cents (1 1/2§) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) [Effective on and after January 1, 1979,] Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(7) By July 1 each year, the department of revenue shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessment for all counties have not been certified by July 1, the department shall, when at least seventy-five percent (75%) of the assessments have been certified, make an estimate of the uncertified amount and compute the state tax rate.

Section 4. KRS 132.023 is amended to read as follows:

(1) Notwithstanding any statutory provisions to the contrary, [for 1972 and for all subsequent years,] no taxing district, other than the state, counties, school districts, [and] cities[,] *and urban-county governments,* shall levy a tax rate which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the preceding year's tax rate to the preceding year's assessment* [exceeds the compensating tax rate defined in KRS 132.010].

(2) *No taxing district, other than the state, counties, school districts, cities and urban-county governments, shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (3) of this section* [For the 1972 tax year and for all subsequent years, the combined city and school tax rate provided for in KRS 132.150 shall be limited by the compensating tax rate defined in KRS 132.010].

(3)(a) A taxing district, other than the state, counties, school districts, cities, and urban-county governments, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The taxing district shall advertise the hearing by causing to be published at least twice in two consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) All hearings shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a taxing district, other than the state, counties, school districts, cities and urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The taxing district, other than the state, counties, school districts, cities and urban-county governments shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the district board of education has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 5. KRS 132.027 is amended to read as follows:

(1)*(a)* Notwithstanding any statutory provisions to the contrary, no city *or urban-county government* shall levy a tax rate *for 1979-80* which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the maximum tax rate that could have been levied in 1978-79 to the 1978-79 assessment* [exceeds the compensating tax rate defined in KRS 132.010, except as provided in subsection (2) of this section].

(b) In succeeding years, no city or urban-county government shall levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the tax rate that was levied in the preceding year to the preceding year's assessment.

(2) *No city or urban-county government shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the city or urban-county government has complied with the provisions of subsection (3) of this section* [Notwithstanding the limitations contained in subsection (1) of this section, any city which levied a poll tax in 1973 may include the revenues received from the poll tax in that year in computing the compensating tax rate for 1974 and subsequent years].

(3)(a) A city, other than a city of the first class, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold two (2) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in two (2) separate locations; each location shall be determined by dividing the city into two (2) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(b) Cities of the first class and urban-county governments proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold five (5) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in five (5) separate locations; each location shall be determined by dividing the city into five (5) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The city or urban-county government shall advertise the hearings by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearings which shall be held not less than seven (7) days nor more than ten (10) days, after the day the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to this effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) All hearings shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a city or urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The city or urban-county government shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the district board of education has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall, and 3. the name, address and telephone number of the county clerk of the county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 6. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total

amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall *levy a general tax rate or voted general tax rate for 1979-80 which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010,* [submit a budget for 1977-78 to the state board for elementary and secondary education which would require more revenue from local ad valorem taxes] than would be produced by application of the maximum *general tax rate or voted general tax rate, respectively,* [rate] that could have been levied in *1978-79* [1976-77, minus thirty cents (30§)], to the *1978-79* [1976-77] assessment[, exclusive of voted levies and net assessment growth as defined KRS 132.425], except as provided in KRS 157.565. In succeeding years, no district board of education shall *levy a general tax rate or a voted general tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010,* [submit a budget which would require more revenue from local ad valorem taxes] than would be produced by application of the *general tax rate or voted general tax rate, respectively,* [maximum tax rate] that *was* [could have been] levied in the preceding year to the preceding year's assessment[, exclusive of voted levies and net assessment growth as defined in KRS 132.425], except as provided in KRS 157.565. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) *No district board of education shall levy a general tax rate or voted general tax rate within the limits imposed in subsection (2) of this section which respectively exceeds the compensating tax rate defined in KRS 132.010, until the district board of education has complied with the provisions of subsection (8) of this section.*

(4) No district board of education shall levy a voted building tax rate for 1979-80 or any subsequent year which will produce more revenue than would be produced by application of the preceding year's voted building rate to the preceding year's assessment. In the event a district board of education has been authorized by the voters of the district to levy more than one (1) voted building rate, each voted building rate shall be calculated separately.

(5) The superintendent of public instruction shall certify to each district board of education, by June 1 of each year, *the following:*

(a) The general tax rate or voted general tax that a district board of education could levy under the provisions of subsection (2) of this section, and the amount of revenue expected to be produced by each;

(b) The compensating tax rate as defined in KRS 132.010 for a district's general tax rate, or the compensating tax rate as defined in KRS 132.010, for a district's voted general tax rate, and the amount of revenue expected to be produced by each;

(c) The voted building tax rate that a district board of education could levy under the provisions of subsection (4) of this section, and the amount of revenue expected to be produced by it; and

(d) The general tax rate or voted general tax rate which will produce, respectively, no more revenue from real property, exclusive of revenue from new property, than four percent (4%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by each. [the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the preceding year's 1976-77 assessment. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the preceding year's assessment.

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the net assessment growth in each school district. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

(c) The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section.]

(6) The next assessment growth and new property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

(7)[(4)] Within *thirty (30)* [three (3)] days after the district board of education has received its assessment data, three (3) copies of the budget shall be forwarded to the state board of education for its approval or disapproval. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(8)[(5)] The budget shall be disapproved by the state board of education if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school

building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300 and KRS 58.010 to 58.140, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval and resubmit the budget to the state board of education for its final approval.

(9)[(6)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective and no ad valorem levy shall be made until approved by the state board of education.

(10)[(7)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

(11)(a) A district board of education, other than a board of education of a county-wide district in a county containing a city of the first class or operating under an urban-county form of government, proposing to levy a general tax rate or voted general tax rate within the limits of subsection (2) of this section which exceed the compensating tax rate defined in KRS 132.010, shall hold two (2) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in two (2) separate locations; each location shall be determined by dividing the district into two (2) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(b) Boards of education of county-wide districts in counties containing cities of the first class or operating under an urban-county form of government, proposing to levy a general tax rate or voted general tax rate within the limits of subsection (2) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold five (5) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in five (5) separate locations; each location shall be determined by dividing the district into five (5) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The district board of education shall advertise the hearings by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the general tax rate and voted general tax rate levied in the preceding year, and the revenue produced by those rates; 2. the general tax rate and voted general tax rate proposed for the current year and the revenue expected to be produced by those rates; 3. the compensating general and voted general tax rates and the revenue expected from them; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearings which shall be held not less than seven (7) days nor more than ten (10) days after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to this effect that the General Assembly has required publication of the advertisement and the information contained herein.

(d) All hearings shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The district board of education may set reasonable time limits for such testimony.

(12)(a) Any action by a district board of education to levy a general tax rate or a voted general tax rate which will produce respectively, revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property, shall be subject to a recall vote or reconsideration by the district board of education, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The district board of education shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a general tax rate or voted general tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the district board of education has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 7. KRS 68.245 is amended to read as follows:

(1) Notwithstanding any statutory provisions to the contrary, no county *fiscal court* [budget commission] shall *levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010, than would be produced from application of the preceding year's tax rate to the preceding year's assessment* [submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth, except as provided in subsection (3) of this section]. The property valuation administrator shall submit an official estimate of net assessment growth, as determined in accordance with KRS *132.010*[132.425], to the county judge/executive by April 1 of each year.

(2) No county fiscal court shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the

provisions of subsection (5) of this section. The property valuation administrator shall submit an official estimate of new property and personal property, as determined in accordance with KRS 132.010, to the county judge/executive by April 1 of each year.

(3)[(2)] The state local finance officer shall certify to each county budget commission, by June 25 of each year, the *following:*

(a) The tax rate that a fiscal court could levy under the provisions of subsection (1) of this section, and the amount of revenue expected to be produced by it;

(b) The compensating tax rate, as defined in KRS 132.010, and the amount of revenue expected to be produced by it;

(c) The tax rate which will produce no more revenue from real property, exclusive of revenue from new property, than four percent (4%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by it [maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's effective county rate to the net assessment growth in each county. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(c) The sum of the amounts computed under subsections (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (1) of this section, except as otherwise therein prescribed.

(3) Notwithstanding the limitations contained in subsection (1) of this section any county budget commission which, in preparing the proposed budget, deems that it will require an amount of revenue from ad valorem taxes greater than that permitted in subsection (1) may submit to the levying authority for the tax years 1966 and 1967 a budget which could require an increase in such revenue of not more than ten percent (10%) after compliance with the following:

(a) The county budget commission shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding ten per cent (10%) is being proposed. Said advertisement shall state that the county budget commission will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposals.

(b) The county budget commission shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal].

(4) The net assessment growth and new property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(5) (a) A county fiscal court, other than a county fiscal court for a county containing a city of the first class or operating under an urban-county form of government, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold two (2) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in two (2) separate locations; each location shall be determined by dividing the county into two (2) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(b) County fiscal courts of counties containing a city of the first class or operating under an urban-county form of government, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold five (5) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in five (5) separate locations; each location shall be determined by dividing the county into five (5) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The county fiscal court shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county a display type advertisement of not less than twelve (12) column inches, the following:

1. The tax rate levied in the preceding year, and the revenue produced by that rate;

2. The tax rate proposed for the current year and the revenue expected to be produced by that rate;

3. The compensating tax rate and the revenue expected from it;

4. The revenue expected from new property and personal property;

5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;

6. A time and place for the public hearings which shall be held not less than seven (7) days nor more than ten (10) days, after the day that the second advertisement is published;

7. The purpose of the hearing; and

8. A statement to this effect that the general assembly has required publication of the advertisement and the information contained therein.

(d) All hearings shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The county fiscal court may set reasonable time limits for such testimony.

(6) (a) Any action by a county fiscal court to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The county fiscal court shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:

1. The fact that the district board of education has adopted such a rate;

2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and

3. The name, address and telephone number of the county clerk of the county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

SECTION 8. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) (a) The ordinance, order, resolution, or motion of a county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district to levy a tax rate subject to recall as provided for in Sections 4, 5, 6 and 7 of this Act, shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order, resolution, or motion a petition signed by a number of registered and qualified voters equal to fifteen percent (15%) of the voters voting in the last Presidential election is presented to the county fiscal court, district board of education, or legislative body of a city or urban-county government or other taxing district, as the case may be, protesting against passage of the ordinance, order, resolution, or motion, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (2) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. Each voter shall sign his name in the same manner as he signed the current registration form described in KRS 116.155. If the signature is difficult to read, the voter shall, on the same line legibly write or print his name in the same fashion as he signed it. One or more persons shall verify by affidavit the signatures and addresses of the signers of the petition. The board or boards of registration in the county shall give necessary and appropriate aid to the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(b) The county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district may cause the cancellation of the election by reconsidering the ordinance, order, resolution, or motion and amending such ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced the preceding year from real property. Such action by the county fiscal court, district board of education, legislative body of a city, urban-county government or other taxing district shall be valid only if taken within fifteen (15) days following the date of the presentation of the petition.

(2) In the event an election is necessary under the provisions of subsection (1) of this section, the county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county at the next regular election or called common school district election, either of which to be held not less than sixty (60) days from the date of passage of said order, resolution, or motion, the question as to whether such property tax rate shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect.

Section 9. KRS 132.690 is amended to read as follows:

(1) All taxable real property or interest therein subject to assessment by the property valuation administrator shall be *physically examined and* revalued during the *first and third* [second] years of each term of office by the property valuation administrator *at its fair cash value* in accordance with standards prescribed by the department of revenue.

(2) The right of any individual to appeal the assessment on his property in any year as provided in KRS 133.120 shall in no way be affected by this section.

(3) Should the property valuation administrator fail to revalue property as required by this section the department of revenue shall have the authority to order an emergency revaluation in the same manner as provided for emergency assessments by KRS 132.660. Any property valuation administrator wilfully violating the provisions of *subsection (1) of* this section *or who refuses to comply with the directions of the department of revenue to correct the assessment shall have his compensation suspended by the department and* shall be subject to

removal from office as provided by KRS 132.370(3) *and shall be subject to the provisions of KRS 132.620 and KRS 61.120.*

(4) In any year in which physical examination and revaluation is not required by subsection (1) of this section the property valuation administrator shall assess all property as provided by KRS 132.420(1) and KRS 132.450(1).

(5) Nothing in this section shall prohibit action by the department of revenue under the provisions of KRS 133.150 or KRS 132.660 in any year in which the department determines such action to be necessary.

SECTION 10. A NEW SECTION OF KRS CHAPTER 133 IS CREATED TO READ AS FOLLOWS:

By January 30 of each year, the department of revenue shall cause to be published in the newspaper of largest circulation in each county, a listing of the level of assessment for every county for the prior tax year of real property expressed as a percentage of fair cash value, as calculated by sales-assessment ratio studies which shall be conducted by the department of revenue.

SECTION 11. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The department of revenue shall draft, and the sheriff shall mail with the property tax bills annually, an explanation of the provisions of this Act. The costs incurred under the provisions of this section shall be borne by the county fiscal court.

Section 12. KRS 132.425 - Net assessment growth, is repealed.

Section 13. Whereas a number of changes to the operations of the offices of the property valuation administrator, the department of revenue, the superintendent of public instruction, and the state local finance officer are affected by this Act, and whereas these changes must be made prior to the levying of state or local tax rates for 1979-80, and whereas these changes will require some time to put into effect, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee Substitute to **HB 44** is as follows:

HB 44, AN ACT relating to revenue and taxation.

WHEREAS, the General Assembly intends in enacting this Act to reduce the impact of inflation on property taxes, both state and local, without reducing necessary governmental services;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of revenue.

(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.

(3) "Real property" includes all lands within this state and improvements thereon.

(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.

(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.

(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the *current year's* [1972] assessment of the property subject to taxation by a taxing district, excluding *new property and personal property* [net assessment growth, as defined in KRS 132.425], produces an amount of revenue approximately equal to that produced in *the preceding year from real property* [1971]. *However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property.*

(7) "Net assessment growth" means the difference in the total valuation of property subject to taxation by the county, city, school district or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and the total valuation of property subject to taxation by the county, city, school district or special district for the current year.

(8) "New property" means the net difference in value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:

(a) Property annexed or incorporated by a municipal corporation;

(b) Property, the ownership of which has been transferred from a tax-exempt entity to a non-tax-exempt entity;

(c) The value of improvements to existing non-residential property;

(d) The value of new residential improvements to property;

(e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;

(f) Property created by the subdivision of unimproved property;

(g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;

(h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that such property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided;

(i) The total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year.

"Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year.

(9) "Agricultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least ten contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average annual gross income including payments under a state or federal program according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
10 to 30	$1,000+	$60.00 per acre, or a fraction thereof, over 10 acres.
30 to 60	$2,200+	$40.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$3,400+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$4,400+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$5,900+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there must be an annual gross income of these amounts within two (2) years of purchase. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(10)[(8)] "Horticultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least five contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers or ornamental plants, where such activities produced an average annual gross income according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
5 to 30	$1,000 minimum, or	$100.00 per acre, or a fraction thereof, over 5 acres, or whichever amount is greater.
30 to 60	$3,000+	$50.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$4,500+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$5,500+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$7,000+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there is evidence of anticipated annual gross income of these amounts. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(11)[(9)] "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:

(a) Relative percentages of tillable land, pasture land, and woodland;

(b) Degree of productivity of the soil;
(c) Risk of flooding;
(d) Improvements to and on the land that relate to the production of income;
(e) Row crop capability including allotted crops;
(f) Accessibility to all-weather roads and markets; and
(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.

(12)[(10)] "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(13)[(11)] "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including, but not limited to lawns, drives, flower or vegetable gardens, outbuildings and all other land connected thereto.

(14)[(12)] "Residential unit" means all or that part of real property occupied as the permanent residence of the owner.

(15)[(13)] "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

SECTION 2. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The property valuation administrator shall maintain lists of all real property additions and real property deletions to the property tax rolls for the county or urban county, and each city, school district and special district in the county or urban county, and shall certify such lists to the department of revenue, the state local finance officer, the city clerk of each city in the county, the treasurer or chief officer of each special district in the county, and the chief administrative officer of the urban county at the time he files his recapitulation of property assessed on the tax roll with the department of revenue.

Section 3. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2§) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25§) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15§) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15§) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15§) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45§) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) [Effective on and after January 1, 1968,] An annual ad valorem tax for state purposes of one and one-half cents (1 1/2§) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) [Effective on and after January 1, 1979,] Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that

such increase exceeds the preceding year's assessment by more than three percent (3%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(7) By July 1 each year, the department of revenue shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessment for all counties have not been certified by July 1, the department shall, when real property assessments equaling at least seventy-five percent (75%) of the estimated total value of the real property assessments have been certified, make an estimate of the uncertified amount and compute the state tax rate.

Section 4. KRS 132.023 is amended to read as follows:

(1) *(a)* Notwithstanding any statutory provisions to the contrary, [for 1972 and for all subsequent years,] no taxing district, other than the state, counties, school districts, [and] cities[,] *and urban-county governments,* shall levy a tax rate *for 1979-80* which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the maximum tax rate that could have been levied in 1978-79 to the 1978-79 assessment* [exceeds the compensating tax rate defined in KRS 132.010].

(b) In succeeding years, no taxing district other than the state, counties, school districts, cities and urban-county governments, shall levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the tax rate that was levied in the preceding year to the preceding year's assessment.

(2) *No taxing district, other than the state, counties, school districts, cities and urban-county governments, shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (3) of this section* [For the 1972 tax year and for all subsequent years, the combined city and school tax rate provided for in KRS 132.150 shall be limited by the compensating tax rate defined in KRS 132.010].

(3)(a) A taxing district, other than the state, counties, school districts, cities, and urban-county governments, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The taxing district shall advertise the hearing by causing to be published at least twice in two consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property in the taxing district, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a taxing district, other than the state, counties, school districts, cities and urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than three percent (3%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The taxing district, other than the state, counties, school districts, cities and urban-county governments shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than three percent (3%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the taxing district has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of three percent (3%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county in which the taxing district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 5. KRS 132.027 is amended to read as follows:

(1)*(a)* Notwithstanding any statutory provisions to the contrary, no city or urban-county government shall levy a *tax rate for 1979-80* which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the maximum tax rate that could have been levied in 1978-79 to the 1978-79 assessment* [exceeds the compensating tax rate defined in KRS 132.010, except as provided in subsection (2) of this section].

(b) In succeeding years, no city or urban-county government shall levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the tax rate that was levied in the preceding year to the preceding year's assessment.

(2) *No city or urban-county government shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the city or urban-county government has complied with the provisions of subsection (3) of this section* [Notwithstanding the limitations contained in subsection (1) of this section, any city which levied a poll tax in 1973 may include the revenues received from the poll tax in that year in computing the compensating tax rate for 1974 and subsequent years].

(3)(a) A city, other than a city of the first class, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) Cities of the first class and urban-county governments proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold three (3) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in three (3) separate locations; each location shall be determined by dividing the city into three (3) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The city or urban-county government shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days nor more than ten (10) days, after the day the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to this effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property in the taxing district, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a city or urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than three percent (3%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The city or urban-county government shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than three percent (3%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the city or urban-county government has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of three percent (3%) over the amount of revenue produced in the preceding year from real property is subject to recall, and 3. the name, address and telephone number of the county clerk of the county or urban-county in which the taxing district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 6. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall *levy a general tax rate, voted general tax rate, or voted building tax rate for 1979-80 which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010,* [submit a budget for 1977-78 to the state board for elementary and secondary education which would require more revenue from local ad valorem taxes] than would be produced by application of the maximum *general tax rate, voted general tax rate, or voted building tax rate, respectively,* [rate] that could have been levied in *1978-79* [1976-77, minus thirty cents (30§)], to the *1978-79* [1976-77] assessment[, exclusive of voted levies and net assessment growth as defined KRS 132.425], except as provided in KRS 157.565. In succeeding years, no district board of education shall *levy a general tax rate, a voted general tax rate, or a voted building tax rate which will produce more revenue, exclusive of revenue*

from net assessment growth as defined in KRS 132.010, [submit a budget which would require more revenue from local ad valorem taxes] than would be produced by application of the *general tax rate, voted general tax rate, or voted building tax rate, respectively,* [maximum tax rate] that *was* [could have been] levied in the preceding year to the preceding year's assessment[, exclusive of voted levies and net assessment growth as defined in KRS 132.425], except as provided in KRS 157.565. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) *No district board of education shall levy a general tax rate, voted general tax rate, or voted building tax rate within the limits imposed in subsection (2) of this section which respectively exceeds the compensating tax rate defined in KRS 132.010, except as provided in KRS 157.565, until the district board of education has complied with the provisions of subsection (10) of this section.*

(4) The superintendent of public instruction shall certify to each district board of education, by June *30* [1] of each year, *the following*:

(a) The general tax rate, voted general tax rate, or voted building tax rate that a district board of education could levy under the provisions of subsection (2) of this section, and the amount of revenue expected to be produced by each;

(b) The compensating tax rate as defined in KRS 132.010 for a district's general tax rate, voted general tax rate, or voted building tax rate, and the amount of revenue expected to be produced by each;

(c) The general tax rate, voted general tax rate, or voted building tax rate which will produce, respectively, no more revenue from real property, exclusive of revenue from new property, than three percent (3%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by each. [the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the preceding year's 1976-77 assessment. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the preceding year's assessment.

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the net assessment growth in each school district. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

(c) The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section.]

(5) The net assessment growth and new property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the superintendent of public instruction by the department of revenue by June 15 of each year.

(6)[(4)] Within *thirty (30)* [three (3)] days after the district board of education has received its assessment data, three (3) copies of the budget shall be forwarded to the state board of education for its approval or disapproval. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(7)[(5)] The budget shall be disapproved by the state board of education if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300 and KRS 58.010 to 58.140, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval and resubmit the budget to the state board of education for its final approval.

(8)[(6)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective and no ad valorem levy shall be made until approved by the state board of education.

(9)[(7)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

(10)(a) A district board of education, other than a board of education of a county-wide district in a county containing a city of the first class or operating under an urban-county form of government, proposing to levy a general tax rate, voted general tax rate, or voted building tax rate within the limits of subsection (2) of this section which exceed the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear com-

ments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) Boards of education of county-wide districts in counties containing cities of the first class or operating under an urban-county form of government, proposing to levy a general tax rate, voted general tax rate, or voted building tax rate within the limits of subsection (2) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold three (3) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in three (3) separate locations; each location shall be determined by dividing the district into three (3) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The district board of education shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the general tax rate, voted general tax rate, and voted building tax rate levied in the preceding year, and the revenue produced by those rates; 2. the general tax rate, voted general tax rate, and voted building tax rate proposed for the current year and the revenue expected to be produced by those rates; 3. the compensating general, voted general, and voted building tax rates and the revenue expected from them; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days nor more than ten (10) days after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to the effect that the General Assembly has required publication of the advertisement and the information contained herein.

(d) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(e) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The district board of education may set reasonable time limits for such testimony.

(11)(a) Any action by a district board of education to levy a general tax rate, a voted general tax rate, or a voted building tax rate, except as provided in KRS 157.565, which will produce respectively, revenue from real property, exclusive of revenue from new property, more than three percent (3%) over the amount of revenue produced the preceding year from real property, shall be subject to a recall vote or reconsideration by the district board of education, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The district board of education shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a general tax rate, voted general tax rate, or voted building tax rate, except as provided in KRS 157.565, which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than three percent (3%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the district board of education has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of three percent (3%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county or urban-county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 7. KRS 68.245 is amended to read as follows:

(1) Notwithstanding any statutory provisions to the contrary, no county *fiscal court* [budget commission] shall *levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010, than would be produced from application of the preceding year's tax rate to the preceding year's assessment* [submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth, except as provided in subsection (3) of this section]. The property valuation administrator shall submit an official estimate of net assessment growth, as determined in accordance with KRS *132.010* [132.425], to the county judge/executive by April 1 of each year.

(2) No county fiscal court shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (5) of this section. The property valuation administrator shall submit an official estimate of new property and personal property, as determined in accordance with KRS 132.010, to the county judge/executive by May 1 of each year.

(3)[(2)] The state local finance officer shall certify to each county budget commission, by June *30* [25] of each year, the *following:*

(a) The tax rate that a fiscal court could levy under the provisions of subsection (1) of this section, and the amount of revenue expected to be produced by it;

(b) The compensating tax rate, as defined in KRS 132.010, and the amount of revenue expected to be produced by it;

(c) The tax rate which will produce no more revenue from real property, exclusive of revenue from new property, than three percent (3%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by it [maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's effective county rate to the net assessment growth in each county. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(c) The sum of the amounts computed under subsections (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (1) of this section, except as otherwise therein prescribed.

(3) Notwithstanding the limitations contained in subsection (1) of this section any county budget commission which, in preparing the proposed budget, deems that it will require an amount of revenue from ad valorem taxes greater than that permitted in subsection (1) may submit to the levying authority for the tax years 1966 and 1967 a budget which could require an increase in such revenue of not more than ten percent (10%) after compliance with the following:

(a) The county budget commission shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding ten per cent (10%) is being proposed. Said advertisement shall state that the county budget commission will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposals.

(b) The county budget commission shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal].

(4) The net assessment growth, new property and personal property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(5) (a) A county fiscal court, other than a county fiscal court for a county containing a city of the first class or operating under an urban-county form of government, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) County fiscal courts of counties containing a city of the first class or operating under an urban-county form of government, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold three (3) public hearings to hear comments from the public regarding the proposed tax rate. The hearings shall be held in three (3) separate locations; each location shall be determined by dividing the county into three (3) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.

(c) The county fiscal court shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearings which shall be held not less than seven (7) days nor more than ten (10) days, after the day that the second advertisement is published; 7. The purpose of the hearing; and 8. a statement to the effect that the general assembly has required publication of the advertisement and the information contained therein.

(d) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(e) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The county fiscal court may set reasonable time limits for such testimony.

(6) (a) Any action by a county fiscal court to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than three percent (3%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The county fiscal court shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than three percent (3%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the county fiscal court has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of three percent (3%) over the amount

of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

SECTION 8. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) (a) The ordinance, order, resolution, or motion of a county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district to levy a tax rate subject to recall as provided for in Sections 4, 5, 6 and 7 of this Act, shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order, resolution, or motion a petition signed by a number of registered and qualified voters equal to ten percent (10%) of the voters voting in the last Presidential election is presented to the county fiscal court, district board of education, or legislative body of a city or urban-county government or other taxing district, as the case may be, protesting against passage of the ordinance, order, resolution, or motion, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (2) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. The board or boards of registration in the county shall give necessary and appropriate aid to the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing istrict so that the latter body may make the initial, but not conclusive, determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(b) The county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district may cause the cancellation of the election by reconsidering the ordinance, order, resolution, or motion and amending such ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than three percent (3%) over the amount of revenue produced the preceding year from real property. Such action by the county fiscal court, district board of education, legislative body of a city, urban-county government or other taxing district shall be valid only if taken within fifteen (15) days following the date of the presentation of the petition.

(2) In the event an election is necessary under the provisions of subsection (1) of this section, the county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county at the next regular election to be held not less than sixty (60) days from the date of passage of said order, resolution, or motion, the question as to whether such property tax rate shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect.

Section 9. KRS 132.690 is amended to read as follows:

(1) *One-half of* all taxable real property or interest therein subject to assessment by the property valuation administrator shall be *physically examined and* revalued during *each* [the second] year of each term of office by the property valuation administrator *at its fair cash value* in accordance with standards prescribed by the department of revenue.

(2) The right of any individual to appeal the assessment on his property in any year as provided in KRS 133.120 shall in no way be affected by this section.

(3) Should the property valuation administrator fail to revalue property as required by this section the department of revenue shall have the authority to order an emergency revaluation in the same manner as provided for emergency assessments by KRS 132.660. Any property valuation administrator wilfully violating the provisions of *subsection (1) of* this section *or who refuses to comply with the directions of the department of revenue to correct the assessment shall have his compensation suspended by the department and* shall be subject to removal from office as provided by KRS 132.370*(4)*[(3)] *and shall be subject to the provisions of KRS 132.620 and KRS 61.120.*

(4) In any year in which physical examination and revaluation is not required by subsection (1) of this section the property valuation administrator shall assess all property as provided by KRS 132.420(1) and KRS 132.450(1).

(5) Nothing in this section shall prohibit action by the department of revenue under the provisions of KRS 133.150 or KRS 132.660 in any year in which the department determines such action to be necessary.

SECTION 10. A NEW SECTION OF KRS CHAPTER 133 IS CREATED TO READ AS FOLLOWS:

By January 30 of each year, the department of revenue shall cause to be published in the newspaper of largest circulation in each county, a listing of the level of assessment for every county for the prior tax year of real property expressed as a percentage of fair cash value, as calculated by sales-assessment ratio studies which shall be conducted by the department of revenue.

SECTION 11. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The department of revenue shall draft, and the sheriff shall mail with the property tax bills annually, an explanation of the provisions of this Act.

Section 12. KRS 132.425 - Net assessment growth, is repealed.

Section 13. Whereas a number of changes to the operations of the offices of the property valuation administrator, the department of revenue, the superintendent of public instruction, and the state local finance officer are affected by this Act, and whereas these changes must be made prior to the levying of state or local tax rates for 1979-80, and whereas these changes will require some time to put into effect, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee on Highways and Traffic Safety reported **HB 51** and **HB 52**, with committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 51, AN ACT relating to fines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045 (5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than *twelve dollars ($12)* [seventeen dollars ($17)] nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 2. KRS 186.991 is amended to read as follows:

Any person who violates, or causes, aids, or abets any violation of KRS 186.052, 186.053, 186.281 and 186.286 or of any order, rule, or regulation lawfully issued pursuant thereto, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

Section 3. KRS 189.394 is amended to read as follows:

(1) The fines for speeding in violation of KRS 189.390 and 189.391 shall be:

Mph. Over Limit	Prima Facie or Maximum Speed									
	15	20	25	30	35	40	45	50	55	Fine
1	16	21	26	31	36	41	46	51	56	$ 1
2	17	22	27	32	37	42	47	52	57	2
3	18	23	28	33	38	43	48	53	58	3
4	19	24	29	34	39	44	49	54	59	4
5	20	25	30	35	40	45	50	55	60	5
6	21	26	31	36	41	46	51	56	61	*16*[21]
7	22	27	32	37	42	47	52	57	62	*17*[22]
8	23	28	33	38	43	48	53	58	63	*18*[23]
9	24	29	34	39	44	49	54	59	64	*19*[24]
10	25	30	35	40	45	50	55	60	65	*20*[25]
11	26	31	36	41	46	51	56	61	66	*22*[27]
12	27	32	37	42	47	52	57	62	67	*24*[29]
13	28	33	38	43	48	53	58	63	68	*26*[31]
14	29	34	39	44	49	54	59	64	69	*28*[33]
15	30	35	40	45	50	55	60	65	70	*30*[35]
16	31	36	41	46	51	56	61	66	71	*32*[37]
17	32	37	42	47	52	57	62	67	72	*34*[39]
18	33	38	43	48	53	58	63	68	73	*36*[41]
19	34	39	44	49	54	59	64	69	74	*38*[43]
20	35	40	45	50	55	60	65	70	75	*40*[45]
21	36	41	46	51	56	61	66	71		*43*[48]
22	37	42	47	52	57	62	67	72		*46*[51]
23	38	43	48	53	58	63	68	73		*49*[54]
24	39	44	49	54	59	64	69	74		*52*[57]
25	40	45	50	55	60	65	70	75		*55*[60]

(2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one hundred dollars ($100).

(3) For any violation shown on the chart for which a specific fine is prescribed the defendant may elect to pay the fine to the circuit clerk before the date of his trial or to be tried in the normal manner. Payment of the fine to the clerk shall be considered as a plea of guilty for all purposes.

(4) If the offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.

(5) In the event that the fine is paid to the clerk before trial date costs shall be ten dollars ($10).

Section 4. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, KRS 189.345 and 189.960, shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than *ten dollars ($10)* [sixteen dollars ($16)] nor more than *thirty dollars ($30)* [thirty-five dollars ($35)]. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 or 189.271 shall, upon conviction, be fined in an amount equal to two cents (2§) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3§) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5§) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7§) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9§) per pound when the excess exceeds 5,000 pounds but in no case shall the fine be less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500).

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than five hundred dollars ($500).

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the bureau of vehicle regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than *fifteen dollars ($15)* [twenty dollars ($20)] nor more than fifty dollars ($50) for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)].

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than two hundred dollars ($200).

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not [less than fifteen dollars ($15) nor] more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)] in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than fifty dollars ($50).

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred dollars ($100) nor more than five hundred dollars ($500); for the second offense, a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than three (3) days nor more than six (6) months; for each subsequent offense he shall be fined not less than one hunded dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than thirty (30) days nor more than twelve (12) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100).

(10) Any person who violates KRS 189.530 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than *thirty dollars ($30)* [thirty-five dollars ($35)] nor more than one hundred dollars ($100) for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than twenty-five dollars ($25).

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than five hundred dollars ($500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157(2).

(21) A person who elects to operate a bicycle in accord with any regulations adopted pursuant to KRS 189.287 and who willfully violates a provision of such a regulation shall be fined not [less than fifteen dollars ($15) nor] more than one hundred dollars ($100). A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.

(22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

Section 5. KRS 189.993 is amended to read as follows:

(1) Any person who violates KRS 189.045 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined *sixty dollars ($60)* [sixty-five dollars ($65)] and costs of prosecution.

(3) Any person who violates any provision of KRS 189.205 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

(4) [Any person, firm or corporation violating the provisions of KRS 189.275 shall be fined not less than thirty-five dollars ($35) nor more than one hundred dollars ($100).

(5)] Any person who violates any provision of KRS 189.375 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

[(6) (a) Any person who is not a handicapped person as prescribed in KRS 189.455 and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by KRS 189.455 shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.

(b) Any person owning a vehicle bearing such vehicle registration plates, and not entitled to do so under the provisions of KRS 189.455, shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.]

(5)[(7)] Any person who violates KRS 189.505 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200) or be imprisoned for not more than thirty (30) days, or both.

(6)[(8)] Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than *thirty-five dollars ($35)* [forty dollars ($40)].

(7)[(9)] Any person who violates KRS 189.920 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(8)[(10)] Any person who violates KRS 189.930 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500), or be imprisoned in the county jail for not more than thirty (30) days, or both.

(9)[(11)] Any person who violates KRS 189.940 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(10)[(12)] If a member of a regular or volunteer fire department or rescue squad violates any provisions of subsection (5) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or 189.993, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.

(11)[(13)] Any person who violates KRS 189.950 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(12)[(14)] Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

Section 6. KRS 281.990 is amended to read as follows:

(1) Any person who violates, or causes, aids or abets any violation of, any of the provisions of this chapter or any order, rule or regulation lawfully issued pursuant to authority granted by this chapter, or who knowingly makes any false or erroneous statement, report or representation to the department of motor transportation with respect to any matter placed under the jurisdiction of the department by this chapter, or who knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter, or who knowingly fails to keep, or knowingly destroys or mutilates, any such accounts or records, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days, or both. Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or regulation of the department issued pursuant thereto, shall constitute a violation thereof.

(2) Any person who violates KRS 281.615 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(3) In addition to the penalties prescribed in subsection (1) of this section, in case of violation by any person in whose name an industrial bus is licensed, such person shall forfeit all certificates and permits held by him, and shall not be eligible to hold any certificate or permit for a period of five (5) years thereafter.

Section 7. KRS 172.180 is amended to read as follows:

Any county may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or 172.170:

(1) Upon petition of three-fourths (3/4) of the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county indorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That upon receipt of the order by the clerks of said courts there shall be taxed as costs [in all criminal actions, except examining trials and felony trials, thereafter instituted in said court] the following fee, which shall be designated as county law library fee, [in district court, a sum not to exceed fifty cents (50§);] in circuit and district courts, on all civil actions a sum not to exceed one dollar *and fifty cents ($1.50)* [($1.00)]; and

(b) That the circuit clerk shall at the end of each month, pay all sums collected as county law library fees during the preceding month, to the trustees of the county law library, and the clerk shall make a full report with said payment, and receive a receipt for all payments.

Section 8. KRS 142.030 - Tax on criminal convictions paid into state treasury; and KRS 142.040 - Docket Fee, are repealed.

HB 52, AN ACT relating to prepayment of fines and court costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 431.452 is amended to read as follows:

(1) An offense which is designated as subject to prepayment by specific statutory designation may be prepaid by the violator subject to the terms and conditions of the statute involved.

(2) An offense which is designated as subject to prepayment is subject to the following conditions:
(a) Designation as subject to prepayment does not preclude a physical arrest by a peace officer for that offense;
(b) Designation as subject to prepayment does not preclude a requirement that the defendant make a court appearance when so indicated on a uniform citation when such is required by a peace officer pursuant to KRS 431.015;
(c) For any offense designated as subject to prepayment the defendant may elect to pay the minimum fine for the offense plus court costs to the circuit clerk before the date of his trial or be tried in the normal manner, unless the citation is marked for mandatory court appearance pursuant to KRS 431.015;
(d) Prepayment of the fine [and costs] shown on the citation *and court costs of fifteen dollars ($15) (for those offenses not subject to the court costs required by KRS 189.394)* or accompanying schedule shall be considered as a plea of guilty for all purposes.
(3) When a peace officer issues a uniform citation and no physical arrest is made he shall, where the citation is designated as subject to prepayment, mark the citation as "PAYABLE" unless in his opinion because of the circumstances surrounding the offense:
(a) The commission of the offense created a substantial harm or threat of harm to lives or property; or
(b) The commission of the offense was, due to the nature of the circumstances, particularly aggravated or flagrant; or
(c) The defendant was known by the officer to have been convicted of the particular violation on a previous occasion or occasions.
(4) In the event the peace officer determines, pursuant to subsection (3) of this section, that the defendant should appear in court the officer shall mark the citation in such manner as to require court appearance on the appropriate date.

The Committee amendment to **HB 52** is as follows:

Amend printed copy of **HB 52**, page 2, line 3, after the word "*of*" delete fifteen dollars ($15) and insert *seventeen dollars and fifty cents ($17.50)* in lieu thereof.

Motions, Petitions and Communications

Representative Kidd moved that the rules be suspended to act on a Resolution. Agreed.

Representative Kidd moved the adoption of the following **HR 30**:

HR 30, A RESOLUTION requesting the Legislative Research Commission to prepare and distribute a legislative glossary.
WHEREAS, the General Assembly speaks a language all its own; and
WHEREAS, terms used in the conduct of legislative affairs are often confusing even to members who have served in this honorable body for many years; and
WHEREAS, a glossary of legislative terms would be helpful to legislators and legislative observers;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is requested to prepare and distribute a legislative glossary to each member of this honorable body.
Section 2. That a copy of this resolution be forwarded to the director of the Legislative Research Commission.

HR 30 was adopted by voice vote.

Representative B. Richardson moved that the rules be suspended to act on a Resultion. Agreed.

Representative B. Richardson moved that a call of the roll be taken on **HR 32**. Agreed.

Representative Dawahare moved the adoption of the following **HR 32**:

HR 32, A RESOLUTION honoring Roger Noe for being named an Outstanding Young Man of Kentucky.
WHEREAS, Roger Noe, a member of this House of Representatives, has been selected by the Kentucky Jaycees as one of five Outstanding Young Men of Kentucky; and
WHEREAS, Roger Noe was selected for this honor because of his contributions to his community and his profession; and
WHEREAS, this high honor has been bestowed on Roger Noe after consideration of many fine young men of Kentucky; and

WHEREAS, Roger Noe has represented the eighty-eighth district, Harlan County, in a conscientious and exemplary manner in this House of Representatives;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body congratulates Roger Noe for being named one of the five outstanding Young Men of Kentucky by the Kentucky Jaycees.
Section 2. That a copy of this resolution be presented to Representative Roger Noe.

On the roll call the vote was yeas 89-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HR 32 was adopted.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue for January 30, 1979 at 10 a.m.

Representative Lindsay announced the cancellation of the meeting of the Committee on Judiciary-Courts for January 30, 1979.

Representative Mann announced a meeting of the Committee on Business Organizations and Professions January 30, 1979 at 1 p.m. in Room 307.

Representative Fitzgerald announced a meeting of the Committee on Counties and Special Districts for January 30, 1979 at 10 a.m. in Room 305.

Representative O'Brien announced a meeting of the Committee for State Government for January 30, 1979 at noon in Room C.

Representative DeFalaise moved that the rules be suspended to allow a call of the roll to show co-sponsors of **HR 5**. Agreed.

The following members requested that their names be added as Co-sponsors of **HR 5-Adams**, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boatwright, Boswell, Brinkley, Brown, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, Lindsay, Little, Marcum, Maynard, McBee, McKinney, McNutt, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Williams, Wright, Yates.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors and joint-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor or joint-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Donnermeyer, **HB 50**, **HB 53**; Representative Kidd, **HB 49**; Representative LeMaster, **HB 58**; Representative Hancock, HB 62; Representative McKinney, **HB 48**; Representative Little, **HB 58**; Representative Schmidt, **HB 48**; Representative Romines, **HB 61**.

The following member filed a request to have his name added as a joint sponsor of Bills and Resolutions: Representative White, **HB 49**.

The following members filed requests to have their names withdrawn as co-sponsors of Bills and Resolutions: Representative List, **HB 44**; Representative Jones, **HB 44**.

Orders of the Day

HB 49 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 49** be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 49 was passed and the title agreed to.

Representative Lindsay moved that the vote by which **HB 49** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 53 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 53** be passed.

On the roll call the vote was yeas 95-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 53 was passed and the title agreed to.

Representative Lindsay moved that the vote by which **HB 53** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 54 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lindsay moved that **HB 54** be passed.

On the roll call the vote was yeas 95-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 54 was passed and the title agreed to.

Representative Lindsay moved that the vote by which **HB 54** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HR 5 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeFalaise moved that **HR 5** be passed.

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Wells, Wilborn, Williams, Wright. Nays 0.

HR 5 was passed and the title agreed to.

Representative DeFalaise moved that the vote by which **HR 5** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Title Amendment No. 1 to **HB 51** by Representative Pearman is as follows:

Amend printed copy of **HB 51**, title, by deleting the title and substituting in lieu thereof the following: AN ACT relating to crimes and punishments.

Floor Amendment No. 1 to **HB 51** by Representative Pearman is as follows:

Amend printed copy of **HB 51**, page 18, line 7, by adding after line 7, the following:

"SECTION 9. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

(1) The department of transportation shall issue an occupational operator's license upon application by persons whose operator's license has been suspended or revoked for one or more violations specified in KRS 186.560(1)(b), KRS 186.565, KRS 186.570(1)(d) or 601 KAR 13:020.

(2) An occupational operator's license shall be issued to a person who has a demonstrated need to operate a motor vehicle as an essential part of that person's livelihood and shall be strictly limited to occupational purposes, including only uninterrupted travel from a place of residence to a place of employment and travel during the course of employment.

(3) A person shall be eligible for only one occupational operator's license during their lifetime with the exception that it shall be renewable on a continuous basis for the term of the revocation or suspension, if such were for a period exceeding one year.

(4) An occupational operator's license shall be immediately revoked upon conviction of any violation which would result in the suspension or revocation of a regular operator's license, or which would result in as many as three (3) points being assessed against a regular operator's license under the "point system".

(5) Applicants for an occupational operator's license shall pay to the circuit clerk a fee of two hundred and fifty dollars ($250). The clerk shall retain the usual fee for processing an operator's license and shall forward the remainder of the fee to the department of transportation.

SECTION 10. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

If any holder of an occupational operator's license violates the provisions of subection (2) of this Act, the license shall be revoked and the holder thereof shall be fined not more than five hundred dollars ($500) or imprisoned in the county jail for not more than six (6) months, or both."

Floor Title Amendment No. 2 to **HB 51** by Representative Riner is as follows:

Amend printed copy of **HB 51**, page 1, in the title after the word "fines" insert the following: ", court, and related costs".

Floor Amendment No. 2 to **HB 51** by Representative Riner is as follows:

Amend printed copy of **HB 51**, page 18, line 7, after the word "repealed." add

Section 9. KRS 24A.175 is amended to read as follows:

(1) Court costs for a criminal case in district court shall be *seventeen dollars and fifty cents ($17.50)* [twenty dollars $20)].

(2) Additional costs shall be asessed in district court criminal matters as follows:

(a) Preparing an attestation	$ .50
(b) Preparing a certification	1.00
(c) Preparing a copy of a document (per page)	.25.

(3) Taxation of costs against a defendant, upon conviction, shall be mandatory and shall not be prorated or suspended.

The Clerk announced a meeting of the Committee on Rules on adjournment.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., January 30, 1978.

On the roll call the vote was yeas 64-Adams, Arnold, Bendl, Bennett, Benson, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Gray, Head, Hines, Holbrook, Holloway, Isler, Johnson, Jones, Kenton, Kidd, Layman, Lindsay, List, Mann, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, Stone, Thomas, Tobin, Van Horn, Wilborn, Worthington. Nays 5-Boswell, Overstreet, Rattliff, Robinson, Wright.

The motion to adjourn was adopted.

TUESDAY, JANUARY 30, 1979

EIGHTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend K. L. Moore of the First Baptist Church, Frankfort.

The roll was called. All present except Representatives Boswell, Burch, Kleier, Maynard and Williams.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 29, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 33, by Representative Romines: A RESOLUTION requesting promulgation of federal regulations relating to hazardous waste and action to provide funding for cleanup of existing hazardous chemical waste dumps.

HR 34, by Representatives Overstreet, DeMarcus, Marcum and Ratliff: A RESOLUTION adjourning in memory of Nelson Rockefeller.

HR 35, by Representative J. Allen: A RESOLUTION requesting the U.S. Secretary of the Treasury and the U.S. International Trade Commission to investigate possible dumping practices related to the importation of West German coking coal into the United States.

HR 36, by Representatives Van Horn, Bennett, Patrick, Dietz and Petty: A RESOLUTION honoring the memory of William Goebel, Governor of Kentucky, who was shot January 30, 1900.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 74.**

Appropriations and Revenue: **HB 77, HCR 31.**

Public Utilities and Transportation: **HB 75.**

State Government: **HB 76.**

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **HB 71.**

Report of Committees

The Committee on Rules reported **HB 38, HB 50, HCR 19, SB 8, HB 40** and **HJR 4** have been posted for passage in Orders of the Day, January 31, 1979.

The Committee on Rules reported **HCR 21** has been recommitted to the Committee on Agriculture and Natural Resources.

The Committee on Counties and Special Districts reported **HB 68**, with Committee Substitute attached thereto, with the expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 68, AN ACT relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.076 is amended to read as follows:

(1) No action embraced in the term "county ordinance" may be taken except by passage of a county ordinance. Other official actions, including but not limited to approvals required by the fiscal court, may be taken by resolution, order or motion;

(2) All ordinances shall be introduced in writing;

(3) No county ordinance shall relate to more than one subject, and each ordinance shall be prefaced in the following manner by a title which expresses that subject: "AN ORDINANCE relating to (the subject of the ordinance):";

(4) There shall be inserted between the title and the body of each county ordinance an enacting clause written in the following manner: "Be it ordained by the fiscal court of county of , Commonwealth of Kentucky:";

(5) County ordinances shall, *except as provided in KRS 67.083(3)(k),* be amended by ordinance and only by setting out in full each amended section;

(6) No action of a fiscal court shall be invalidated because of improper denomination of a county ordinance or other written document, if the procedures required for taking the action have otherwise been observed.

Section 2. KRS 67.083 is amended to read as follows:

(1) It is the purpose of this section to provide counties as units of general purpose local government with the necessary latitude and flexibility to provide and finance various governmental services within those functional areas specified in subsection (3) of this section, while the general assembly retains full authority to prescribe and limit by statute local governmental activities when it deems such action necessary.

(2) The fiscal court of any county is hereby authorized to levy all taxes not in conflict with the constitution and statutes of this state now or hereafter enacted.

(3) The fiscal court shall have the power to carry out governmental functions necessary for the operation of the county. Except as otherwise provided by statute or the Kentucky constitution, the fiscal court of any county may enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds and employ personnel in performance of the following public functions:

(a) Control of animals, and abatement of public nuisances;

(b) Regulation of public gatherings;

(c) Public sanitation and vector control;

(d) Provision of hospitals, ambulance service, programs for the health and welfare of the aging and juveniles, and other public health facilities and services;

(e) Provision of corrections facilities and services, and programs for the confinement, care and rehabilitation of juvenile law offenders;

(f) Provision of parks, nature preserves, swimming pools, recreation areas, libraries, museums and other recreational and cultural facilities and programs;

(g) Provision of cemeteries and memorials;

(h) Conservation, preservation and enhancement of natural resources including soils, water, air, vegetation and wildlife;

(i) Control of floods;

(j) Facilitating the construction of new housing; causing the repair or demolition of structures which present a hazard to public health, safety or morals or are otherwise inimical to the welfare of residents of the county; causing the redevelopment of housing and related commercial, industrial and service facilities in urban or rural areas; providing education and counseling services and technical assistance to present and future residents of publicly assisted housing;

(k) Planning, zoning and subdivision control according to the provisions of KRS Chapter 100, *except that amendments to the official zoning map shall be by resolution*;

(l) Adoption, by reference or in full, of technical codes governing new construction, renovation or maintenance of structures intended for human occupancy;

(m) Regulation of commerce for the protection and convenience of the public;

(n) Regulation of the sale of alcoholic beverages according to the provisions of KRS Chapters 241 through 244;

(o) Exclusive management of solid wastes by ordinance or contract or by both and disposition of abandoned vehicles;

(p) Provision of public buildings, including armories, necessary for the effective delivery of public services;

(q) Cooperation with other units of government and private agencies for the provision of public services, including but not limited to training, educational services and cooperative extension service programs;

(r) Provision of water and sewage and garbage disposal service but not gas or electricity;

(s) Licensing or franchising of cable television;

(t) Provision of streets and roads, bridges, tunnels and related facilities, elimination of grade crossings, provision of parking facilities, enforcement of traffic and parking regulations;

(u) Provision of police and fire protection;
(v) Regulation of taxis, buses and other passenger vehicles for hire;
(w) Provision and operation of air, rail and bus terminals, port facilities, and public transportation systems;
(x) Promotion of economic development of the county, directly or in cooperation with public or private agencies, including the provision of access roads, land and buildings, and promotion of tourism and conventions*;*
(y) Preservation of historic structures.

(4) The county judge/executive is hereby authorized and empowered to exercise all of the executive powers pursuant to this section.

(5) A county acting under authority of this section may assume, own, possess and control assets, rights and liabilities related to the functions and services of the county.

(6) If a county is authorized to regulate an area which the state also regulates, the county government may regulate the area only by enacting ordinances which are consistent with state law or administrative regulation.

(a) If the state statute or administrative regulation prescribes a single standard of conduct, a county ordinance is consistent if it is identical to the state statute or administrative regulation.

(b) If the state statute or administrative regulation prescribes a minimal standard of conduct, a county ordinance is consistent if it establishes a standard which is the same as or more stringent than the state standard.

(c) A county government may adopt ordinances which incorporate by reference state statutes and administrative regulations in areas in which a county government is authorized to act.

(7) County ordinances which prescribe penalties for their violation shall be enforced throughout the entire area of the county unless:
(a) Otherwise provided by statute, or
(b) The legislative body of any city within the county has adopted an ordinance pertaining to the same subject matter which is the same as or more stringent than the standards that are set forth in the county ordinance. The fiscal court shall forward a copy of each ordinance which is to be enforced throughout the entire area of the county to the mayor or chairman of the board of trustees of each city in the county.

(8) The powers granted to counties by this section shall be in addition to all other powers granted to counties by other provisions of law. A permissive procedure authorized by this section shall not be deemed to be exclusive or to prohibit the exercise of other existing laws and laws which may hereafter be enacted but shall be an alternative or supplement thereto.

SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

A county may expend funds necessary to insure its employes and officials against any liability arising out of an act committed in the scope and course of performing legal duties.

The Committee Substitute for **HB 68** is as follows:

HB 68, AN ACT relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.076 is amended to read as follows:

(1) No action embraced in the term "county ordinance" may be taken except by passage of a county ordinance. Other official actions, including but not limited to approvals required by the fiscal court, may be taken by resolution, order or motion;

(2) All ordinances shall be introduced in writing;

(3) No county ordinance shall relate to more than one subject, and each ordinance shall be prefaced in the following manner by a title which expresses that subject: "AN ORDINANCE relating to (the subject of the ordinance):";

(4) There shall be inserted between the title and the body of each county ordinance an enacting clause written in the following manner: "Be it ordained by the fiscal court of county of   , Commonwealth of Kentucky:";

(5) *Except for amendments to the zoning map described in KRS 100.203(3), which may be amended by order of the fiscal court,* county ordinances shall be amended by ordinance and only by setting out in full each amended section;

(6) No action of a fiscal court shall be invalidated because of improper denomination of a county ordinance or other written document, if the procedures required for taking the action have otherwise been observed.

Section 2. KRS 100.207 is amended to read as follows:

Except as provided in subsection (2) of KRS 100.137, when the planning commission has adopted the objectives and land use plan elements for the planning unit, the various legislative bodies and fiscal courts of the cities and counties which are members of the unit may pass zoning regulations. The planning commission shall prepare the text and map of all zoning regulations and shall hold at least one (1) public hearing as required in KRS chapter 424. The planning commission shall submit it along with their recommendation to the various legislative bodies and fiscal courts for adoption or denial. A majority of the entire legislative body or fiscal court shall be required to pass a zoning regulation which contains any changes or departures from the zoning regulation as proposed by the planning commission after the change has been referred to the planning commission for its recommendation. The procedure for adoption of the zoning regulation shall be the same as for any other regulation or order.[; Provided, however, That,] Notwithstanding publication requirements, the zoning regulation may be published by stating the title and general description of the regulations and referring to the place within the unit where a copy of the complete regulation may be examined without charge. *Fiscal courts who adopt zoning regulations shall adopt such regulations in accordance with the requirements of KRS 67.076.*

Section 3. KRS 100.211 is amended to read as follows:

(1) A proposal for amendment to any zoning regulation may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by KRS chapter 424 and make recommendations to the various legislative bodies or fiscal courts involved, and it shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission.

(2) All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation, except that:[,]

(a) A fiscal court may adopt an amendment to the zoning map, as described in KRS 100.203(3), by order;

(b) In counties containing a city of the first class, any notice by newspaper shall be published thirty (30) days prior to the public hearing, and shall include the street address of the property in question, or if one is not available, a geographic description sufficient to locate and identify the property, and the names of the two (2) streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.

Section 4. KRS 67.083 is amended to read as follows:

(1) It is the purpose of this section to provide counties as units of general purpose local government with the necessary latitude and flexibility to provide and finance various governmental services within those functional areas specified in subsection (3) of this section, while the general assembly retains full authority to prescribe and limit by statute local governmental activities when it deems such action necessary.

(2) The fiscal court of any county is hereby authorized to levy all taxes not in conflict with the constitution and statutes of this state now or hereafter enacted.

(3) The fiscal court shall have the power to carry out governmental functions necessary for the operation of the county. Except as otherwise provided by statute or the Kentucky constitution, the fiscal court of any county may enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds and employ personnel in performance of the following public functions:

(a) Control of animals, and abatement of public nuisances;

(b) Regulation of public gatherings;

(c) Public sanitation and vector control;

(d) Provision of hospitals, ambulance service, programs for the health and welfare of the aging and juveniles, and other public health facilities and services;

(e) Provision of corrections facilities and services, and programs for the confinement, care and rehabilitation of juvenile law offenders;

(f) Provision of parks, nature preserves, swimming pools, recreation areas, libraries, museums and other recreational and cultural facilities and programs;

(g) Provision of cemeteries and memorials;

(h) Conservation, preservation and enhancement of natural resources including soils, water, air, vegetation and wildlife;

(i) Control of floods;

(j) [Facilitating the construction of new housing;] Causing the repair or demolition of structures which present a hazard to public health, safety or morals or are otherwise inimical to the welfare of residents of the county; causing the redevelopment of housing and related commercial, industrial and service facilities in urban or rural areas; providing education and counseling services and technical assistance to present and future residents of publicly assisted housing;

(k) Planning, zoning and subdivision control according to the provisions of KRS Chapter 100;

(l) Adoption, by reference or in full, of technical codes governing new construction, renovation or maintenance of structures intended for human occupancy;

(m) Regulation of commerce for the protection and convenience of the public;

(n) Regulation of the sale of alcoholic beverages according to the provisions of KRS Chapters 241 through 244;

(o) Exclusive management of solid wastes by ordinance or contract or by both and disposition of abandoned vehicles;

(p) Provision of public buildings, including armories, necessary for the effective delivery of public services;

(q) Cooperation with other units of government and private agencies for the provision of public services, including but not limited to training, educational services and cooperative extension service programs;

(r) Provision of water and sewage and garbage disposal service but not gas or electricity;

(s) Licensing or franchising of cable television;

(t) Provision of streets and roads, bridges, tunnels and related facilities, elimination of grade crossings, provision of parking facilities, enforcement of traffic and parking regulations;

(u) Provision of police and fire protection;
(v) Regulation of taxis, buses and other passenger vehicles for hire;
(w) Provision and operation of air, rail and bus terminals, port facilities, and public transportation systems;
(x) Promotion of economic development of the county, directly or in cooperation with public or private agencies, including the provision of access roads, land and buildings, and promotion of tourism and conventions*;*
(y) Preservation of historic structures.

(4) The county judge/executive is hereby authorized and empowered to exercise all of the executive powers pursuant to this section.

(5) A county acting under authority of this section may assume, own, possess and control assets, rights and liabilities related to the functions and services of the county.

(6) If a county is authorized to regulate an area which the state also regulates, the county government may regulate the area only by enacting ordinances which are consistent with state law or administrative regulation.

(a) If the state statute or administrative regulation prescribes a single standard of conduct, a county ordinance is consistent if it is identical to the state statute or administrative regulation.

(b) If the state statute or administrative regulation prescribes a minimal standard of conduct, a county ordinance is consistent if it establishes a standard which is the same as or more stringent than the state standard.

(c) A county government may adopt ordinances which incorporate by reference state statutes and administrative regulations in areas in which a county government is authorized to act.

(7) County ordinances which prescribe penalties for their violation shall be enforced throughout the entire area of the county unless:

(a) Otherwise provided by statute, or

(b) The legislative body of any city within the county has adopted an ordinance pertaining to the same subject matter which is the same as or more stringent than the standards that are set forth in the county ordinance. The fiscal court shall forward a copy of each ordinance which is to be enforced throughout the entire area of the county to the mayor or chairman of the board of trustees of each city in the county.

(8) The powers granted to counties by this section shall be in addition to all other powers granted to counties by other provisions of law. A permissive procedure authorized by this section shall not be deemed to be exclusive or to prohibit the exercise of other existing laws and laws which may hereafter be enacted but shall be an alternative or supplement thereto.

Section 5. KRS 68.240 is amended to read as follows:

(1) The county judge/executive shall annually prepare a proposed budget for the expenditure of all funds, including those from state and federal sources, which are to be expended by the fiscal court in the next fiscal year. The proposed budget shall be classified into budget units as outlined in subsection (2) of this section. In addition to preparing a reasonable estimate of the funds actually needed for both general and special purposes, the county judge/executive shall prepare an estimated statement of receipts to be anticipated from local, state and federal sources. The county judge/executive shall submit the proposed budget and estimate of receipts to the county budget commission *within ten (10) days after receipt of the certified assessment from the department of revenue* [by April 15 of each year].

(2) The county budget commission, at a meeting or meetings held not later than May 1 of each year, shall make a detailed investigation of each separate activity of the county for which the county judge/executive proposes that county funds are to be expended by the fiscal court. All expenditures shall be classified into budget units, including:

(a) General expenses of county government.
(b) Protection to persons and property.
(c) General health and sanitation.
(d) Highways and bridges.
(e) Charities, hospitals, infirmaries and corrections.
(f) Recreational.
(g) New property and improvements.
(h) Interest and debt payments.
(i) Miscellaneous and contingent.

(3) The county budget shall have a fund known as the "Sinking Fund Principal Account" and a fund known as the "Sinking Fund Interest Account." There shall be allocated annually to the sinking fund principal account a sum equal to the proportional yearly amount necessary to retire each bond issue of the county at maturity, and to the sinking fund interest account a sum equal to the interest on bonded indebtedness payable during the current budget year.

(4) The county budget shall include such budget units as may be required by the activities of the county. When necessary, the county budget may be subdivided into separate budget funds so that the cost of each class of expenditures can be ascertained at any time and regulated according to the financial condition and needs of the county.

(5) The funds set apart in the county budget for a budget unit, or any subdivision thereof, shall constitute a separate budget fund and shall be appropriated and accounted for separately.

(6) Immediately upon approving a proposed budget for the county, the county budget commission shall forward a copy of the proposed budget to the fiscal court. The fiscal court shall comment upon the proposed budget, and the county budget commission shall amend the proposed budget according to the desires of the fiscal court prior to the date when it is sent to the state local finance officer according to the procedures of KRS 68.250.

Section 6. KRS 68.260 is amended to read as follows:

(1) The proposed county budget adopted by the county budget commission, tentatively approved by the fiscal court and approved by the state local finance officer as to form and classification shall be submitted to the fiscal court for adoption not later than July 1 of each year or within *twenty-five (25)* [ten (10)] days after receipt of the certified assessment from the department of revenue, as provided in KRS 133.180, whichever shall be later. The county budget commission shall cause a copy of the proposed budget to be posted in a conspicuous place in the courthouse near the front door, and be published pursuant to KRS chapter 424, at least ten (10) days before final adoption by the fiscal court.

(2) Any taxpayer or group of taxpayers may petition the fiscal court in respect to the budget or any part thereof before final adoption.

(3) If the fiscal court rejects any part of the proposed budget, it shall make the changes in the nature and amount of funds a majority of the court considers desirable; but it has no power to make any change in the form or classification of the budget units or subdivisions of units.

SECTION 7. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) A county may expend funds necessary to insure any of its employes and officials against any liability arising out of an act or omission committed in the scope and course of performing legal duties.

(2) A county fee officer and his deputies and assistants may be insured pursuant to subsection (1) of this section, or the officer may expend excess fees to insure himself and his deputies and assistants against any liability arising out of an act or omission committed in the scope and course of performing legal duties.

(3) Any parties eligible to expend funds for insurance pursuant to this section may associate for the purpose of insuring themselves.

The Committee on State Government reported **HB 62** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 62, AN ACT relating to legislative salaries and expenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 6.190 is amended to read as follows:

(1) Beginning as of January 1, 1978, the members of the general assembly, other than the speaker of the house of representatives,the president pro-tempore of the senate and the majority and minority leadership of each house of the general assembly, shall each receive as compensation fifty dollars ($50) per day, the president of the senate, the president pro-tempore of the senate and the speaker of the house of representatives shall each receive as compensation seventy-five dollars ($75) per day, the majority and minority floor leaders of each house of the general assembly shall each receive as compensation seventy dollars ($70) per day, and the assistant president pro-tempore of the senate, the speaker pro-tempore and the majority and minority caucus chairmen and whips of each house of the general assembly shall each receive as compensation sixty-five dollars ($65) per day, during the session of the general assembly. In addition to his compensation as a member of the general assembly, each chairman of a standing committee of the house of representatives or the senate shall receive compensation of ten dollars ($10) for each regularly scheduled meeting of the standing committee which he chairs during sessions of the general assembly. Effective January 1, 1976, each member of the general assembly, and the president of the senate, shall receive sixteen cents (16§) per mile and reimbursement of road tolls for one (1) round trip for each week of the session between his home and the state capitol during regular sessions and extraordinary sessions of the general assembly and the necessary travel in going to and returning from the sessions of their respective houses.

(2) When the general assembly is meeting in extraordinary session no member shall be paid as provided in subsection (1) for any day when the general assembly is in recess for more than one legislative day.

Section 2. KRS 6.211 is amended to read as follows:

(1) Effective January 1, 1978, in addition to any and all sums, compensation, or expenses now paid the members of the general assembly and the president of the senate, each shall receive an expense allowance of seventy-five dollars ($75.00) for each calendar day. This sum shall be paid whether the general assembly is in regular or extraordinary session and shall be in full recompense of any additional expenses incurred in excess of that now received by them.

(2) When the general assembly is meeting in extraordinary session no member shall be paid as provided in subsection (1) for any day when the general assembly is in recess for more than one legislative day.

Section 3. Whereas the General Assembly is meeting in extraordinary session and may wish to recess pending action by the governor on legislation an emergency is declared to exist and this Act shall become effective upon its passage and approval by the governor.

Senate Message

Announcing passage of **SB 1**, **SB 11**, **SB 16**.

Calendar

HB 19, HB 51, HB 52 and **HB 44**, with Committee Substitute attached thereto, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Recess

Representative B. Richardson moved that the House recess for ten minutes for a meeting of the Committee on State Government in Room 307. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications

Representative Mann moved the adoption of the following Legislative Citation No. 28:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Campbell County Jaycees for their service to the young men of the area and the contributions which they make to their community. This body commends and congratulates these very active civic-minded citizens. (Sponsored by Representative Mann.)

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 29:

THE HOUSE OF REPRESENTATIVES hereby commends the Brighton Street Center, Newport, Kentucky for the community and social services it offers to the citizens of the area. For the contributions which it makes to the community, this body extends its congratulations. (Sponsored by Representative Mann.)

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 30:

THE HOUSE OF REPRESENTATIVES hereby commends the Newport Advisory Council for helping to make the community a better place in which to live. Best wishes are sent for the continuing success of this group. (Sponsored by Representative Mann.)

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 31:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Newport Rotary Club for its outstanding civic achievements and its contributions to the community. Best wishes and congratulations are sent to this well-known service organization. (Sponsored by Representative Mann)

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 32:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Newport Optimist Club for its many past contributions to the well-being of all citizens of Campbell County. For its outstanding civic achievements, this body extends its congratulations.

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 33:

THE HOUSE OF REPRESENTATIVES hereby recognizes the Lawler Hanlan Veterans of Foreign Wars for its civic works and its contributions to the community. Congratulations and best wishes are sent to this group. (Sponsored by Representative Mann.)

Agreed.

Representative Mann moved the adoption of the following Legislative Citation No. 34:

THE HOUSE OF REPRESENTATIVES hereby commends the Carlisle Construction Company and the Carlisle family of Newport, Kentucky for the donation of their time and equipment, going beyond the call of duty, for the clean-up necessary following the tragic Beverly Hills fire. For their good deeds, this body congratulates them. (Sponsored by Representative Mann.)

Agreed.

Representative Patrick moved the adoption of the following Legislative Citation No. 38:

THE HOUSE OF REPRESENTATIVES hereby recognizes Mrs. Ann Hoffelder, Williamsburg, Kentucky for her dedication to the principle of the political two-party system and her work with youth to promote this American ideal. This body commends her for her work with youth and in the community of Williamsburg. (Sponsored by Representative Mann.)

Agreed.

Representative Johnson moved the adoption of the following Legislative Citation No. 27:

THE HOUSE OF REPRESENTATIVES hereby honors Drewery I. Page, executive vice-president of the Owensboro-Daviess County Chamber of Commerce, for his accomplishments during his six years with the organization. During his tenure he has seen the Chamber through substantial growth, including a permanent building for the association and the founding of the Great Ohio River Flatboat Race. This body commends him for his service to the community and wishes him well in his new endeavors. (Sponsored by Representative Johnson.)

Agreed.

Representative Burnett moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Burnette moved that he be recorded as voting "yea" on HB 54, **HB 53**, **HR 5** and **HB 49**. Agreed.

Representative Overstreet moved to suspend the rules to act on a Resolution. Agreed.

Representative Overstreet moved the adoption of the following **HR 34**:

HR 34, A RESOLUTION adjourning in memory of Nelson Rockefeller.
WHEREAS, Nelson Rockefeller has passed from this earthly life; and
WHEREAS, Nelson Rockefeller served his country in various capacities for four decades, holding elective and appointive offices under seven Presidents, both Republican and Democrat; and
WHEREAS, Nelson Rockefeller was elected four times as Governor of the State of New York; and
WHEREAS, during his distinguished career, Nelson Rockefeller won the admiration and respect of his countrymen and leaders throughout the world;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day it does so in memory of Nelson Rockefeller.
Section 2. That a copy of this resolution be forwarded to his family.

HR 34 was adopted by voice vote.

Representative Van Horn moved to suspend the rules to act on a Resolution. Agreed.

Representative Van Horn moved the adoption of the following **HR 36**:

HR 36, A RESOLUTION honoring the memory of William Goebel, Governor of Kentucky, who was shot January 30, 1900.
WHEREAS, William Goebel, Governor of Kentucky, was shot on January 30, 1900 while approaching the Capitol; and
WHEREAS, William Goebel served the Commonwealth of Kentucky as a state senator from 1886 to 1899; and
WHEREAS, William Goebel was a delegate to the Constitutional Convention of 1890-1891, which drafted the present Constitution of Kentucky; and
WHEREAS, the untimely death of William Goebel prevented his serving his term as Governor of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn on this day, it does so in memory and honor of William Goebel.

HR 36 was adopted by voice vote.

Representative J. Allen moved to suspend the rules to act on a Resolution. Agreed.

Representative J. Allen moved to suspend the rules to allow a roll call to show co-sponsors of the following **HR 35**:

The following members requested that their names be added as Co-Sponsor of **HR 35**: Adams, W. Allen, Arnold, Bendl, Bennett, Blandford, Blythe, Brinkley, Brown, Bruce, Carpenter, Clapp, Crupper, Cyrus, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Isler, Kenton, Layman, LeMaster, List, Little, Marcum, McBee, McKinney, Morris, Noe, Patrick, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wilborn, Worthington.

Representative J. Allen moved the adoption of the following **HR 35**:

HR 35, A RESOLUTION requesting the U. S. Secretary of the Treasury and the U. S. International Trade Commission to investigate possible dumping practices related to the importation of West German coking coal into the United States.

WHEREAS, the coal industry is vital to the economy of Kentucky; and

WHEREAS, the annual importation of coking coal into the United States has increased significantly since 1970 from about 200,000 tons to almost 6,000,000 tons in 1978, with about two-thirds of the total import coming from West Germany; and

WHEREAS, the dumping of coking coal, or any foreign merchandise, from a foreign producer into this country at a selling price less than its fair cash value and which is also likely to injure an industry in the United States shall be remedied by the payment of additional duties in accordance with 19 U.S.C. section 160, et seq.;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the U. S. Secretary of the Treasury is requested to investigate the possibility of West German coking coal being dumped in the United States according to 19 U.S.C. section 160, et seq., which relates to the dumping of any foreign merchandise in this country.

Section 2. That if the Secretary of the Treasury determines that there is substantial doubt the coking coal industry in the United States is being or is likely to be injured he shall forward the reasons for such substantial doubt to the International Trade Commission.

Section 3. That if the Secretary of the Treasury determines that dumping has taken place he shall collect a special dumping duty as provided by the federal law.

Section 4. That copies of this resolution be sent to the President, the Secretary of the U. S. Treasury, and to Kentucky's congressional delegation.

HR 35 was adopted by voice vote.

Representative Foster moved the adoption of the following Legislative Citation No. 35:

THE HOUSE OF REPRESENTATIVES hereby recognizes Mrs. Louise Shrum, Lewisburg, Kentucky, for her contribution to education through teaching 30 years in the Logan County school system and for her 48 years as teacher of the Truth Seekers Sunday School class of the Mt. Pleasant Baptist Church. For her deducation and devotion to duty, we congratulate her. (Sponsored by Representative Foster.)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 36:

THE HOUSE OF REPRESENTATIVES hereby honors J. M. Mayhugh, Lewisburg, Kentucky, who has served as minister of music at Mt. Pleasant Baptist Church and been music director for the Logan County Baptist Association for 25 years. He has also, during the years, used his electrical abilities and talents for the good of his church and community. We commend him for his good works. (Sponsored by Representative Foster.)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 37:

THE HOUSE OF REPRESENTATIVES hereby congratulates Mrs. Ina Bach on her 100th birthday. We commend her for her century of good works as a homesteader, missionary, schoolteacher and neighbor and extend our best wishes for many more useful and productive years. (Sponsored by Representative Foster.)

Agreed.

Representative Romines moved to suspend the rules to act on a Resolution. Agreed.

Representative Romines moved the adoption of the following **HR 33**:

HR 33, A RESOLUTION requesting promulgation of federal regulations relating to hazardous waste and action to provide funding for cleanup of existing hazardous chemical waste dumps.

WHEREAS, based on the date of enactment of the federal Resource Conservation and Recovery Act (PL 94-580) regulations for the management of hazardous wastes should have been promulgated by April, 1978; and

WHEREAS, the federal Environmental Protection Agency (EPA) anticipates that the promulgation and full enforcement of such regulations will not be in effect until July, 1980; and

WHEREAS, in recent weeks several hazardous waste chemical dumps have been discovered in population centers such as Louisville and in surrounding counties in Kentucky; and

WHEREAS, currently no funding is available for cleanup of these sites; and

WHEREAS, the sites present a potential risk to public health and safety; and

WHEREAS, delay in implementation of management programs for hazardous waste and in cleanup of known sites further increases the risk to public health and safety;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the federal Environmental Protection Agency be urged to proceed as quickly as possible to issue regulations relating to the management of hazardous waste.

Section 2. That Congress be requested to give attention to the immediate need for funding for cleanup of existing hazardous waste dumps.

Section 3. That copies of this resolution be sent to the administrator of the federal Environmental Protection Agency, to Kentucky's Congressional delegation, and to the Governor.

HR 33 was adopted by voice vote.

Announcements

Representative LeMaster announced a meeting of the Committee on Judiciary-Statutes is cancelled for January 31, 1979.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue fifteen minutes after adjournment in Room A.

Representative Priddy announced a Subcommittee meeting on Drug Abuse for January 31, 1979 in Room 315 at 11:00 a.m.

There will be a meeting of the Committee on Rules in Room 307 upon adjournment.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions

Floor Amendment No. 1 to **HR 22** by Representative Blandford is as follows:

Amend printed copy of **HR 22**, page 1, title, by deleting the word "CONCURRENT";

and in the resolving clause, by deleting the words "*, the Senate concurring therein*";

and in Section 1, line 1, by deleting the words "Commonwealth of Kentucky" and substituting in lieu thereof "House of Representatives".

Floor Amendment No. 1 to Committee Substitute for **HB 44** by Representative DeMarcus is as follows:

Amend printed copy of Committee Substitute for **HB 44**, page 15, line 24, by deleting everything after the word "*vote*";

and on line 25, by deleting line 25 in its entirety;

and on line 26, by deleting at the beginning of line 26 the word "*be,*";

and on page 16, line 24, by deleting the words "*petition required to initiate*";

and on page 20, line 5, by deleting everything after the word "*vote*";

and on line 6, by deleting the words "*district, such as the case may be,*";

and on page 21, line 3, by deleting the words "*petition required to initiate*";

and on page 29, line 23, by deleting everything after the word "*vote*";

and on page 24, by deleting everything before the second "as";

and on page 30, line 23, by deleting the word "*petition*";

and on line 24, by deleting the words "*required to initiate*";

and on page 36, line 22, by deleting everything after the word "*vote*";

and on line 23, by deleting the words "*such as the case may be,*";

and on page 37, line 18, by deleting the words "*petition required to initiate*";

and on page 38, line 2, by inserting after the word "sage." the following:

"(b) If the ordinance, order, resolution or motion will produce revenue from real property, exclusive of revenue from new property, more than three percent (3%) over the amount of revenue produced the preceding year from real property, the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county, at the next regular election to be held not less than sixty (60) days from the date of passage, the question of whether such property tax rate shall be levied.";

and on page 38, line 2, by deleting everything after the word "sage.";

and on lines 3 through 26, by deleting lines 3 through 26 in their entirety;

and on page 39, lines 1 through 24, by deleting lines 1 through 24 in their entirety;

and on line 25, by deleting the words "be levied."

Floor Amendments No. 2, No. 3, and No. 4 to Committee Substitute for HB 44 by Representative Overstreet are as follows:

Amend printed copy of Committee Substitute for **HB 44**, page 38, line 6 by inserting after the word "county" on said line the following: "clerk or his authorized deputy, or to the county";

and on line 13, by inserting after the word "section." the following: "If such petition is presented to the county clerk or his authorized deputy, such officer shall immediately notify the presiding officer of the appropriate fiscal court, district board of education, or legislative body of a city or urban-county government or other taxing district, as the case may be."

Amend printed copy of Committee Substitue for **HB 44**, page 38, line 1 by deleting "thirty (30)" and inserting in lieu thereof "forty-five (45)";

and on page 38, line 2, by deleting "thirty (30)" and inserting in lieu thereof "forty-five (45)".

Amend printed copy of Committee Substitute for **HB 44**, page 38, line 20, by inserting after the word "county" on said line, the word "clerk";

and on line 20, by deleting the word "fiscal" on said line;

and on lines 21 and 22, by deleting said lines;

and on line 23, by deleting the words "district so that the latter body" and substituting in lieu thereof the words "so that such officer".

Floor Amendment No. 3 to **HB 51** by Representative Riner is as follows:

Amend printed copy of **HB 51**, page 18, line 7, after the word "repealed." by inserting the following:

Section 9. KRS 24A.175 is amended to read as follows:

(1) Court costs for a criminal case in the district court shall be *seventeen dollars and fifty cents ($17.50)* [twenty dollars ($20)].
(2) There shall be no court costs for a parking citation when:
(a) The fine is paid to the clerk before the trial date in the same manner as provided for speeding citations under KRS 189.394(3); and
(b) The citation does not involve parking in a fire lane or blocking the traveled portion of the highway.
(3) Additional costs shall be assessed in district court criminal matters as follows:
(a) Preparing an attestation .... $ .50
(b) Preparing a certification.. 1.00
(c) Preparing a copy of a document (per page) .... .25
(4)[(3)] Taxation of costs against a defendant, upon conviction, shall be mandatory and shall not be prorated or suspended.

Floor Amendment No. 1 to **SB 8** by Representative J. Richards is as follows:

Amend printed copy of **SB 8**, page 2, following line 8, by inserting the following:

"Section 2. KRS 6.800 is amended to read as follows:
(1) No legislator shall accept any appointment as an officer or employe of the Commonwealth or any state agency except as provided in subsection (2) of this section and in Section 165 of the constitution unless he shall have first resigned his membership in the general assembly, and it shall be unlawful for the state treasurer to pay any salary by reason of such appointment until the resignation has been received by the presiding officer of the house of which he is a member.
(2) Notwithstanding the provisions of subsection (1) of this section, a legislator may serve on the faculty of any of the state universities or community colleges *or as an employe of a local public school board* without resigning his membership in the general assembly.
(3) No legislator shall, while in the discharge of the duties of his office, become intoxicated by the use of spiritous, vinous or malt liquors. Any legislator who is unable, incompetent or disqualified to discharge any of the duties of his office because of the use of spiritous, vinous or malt liquors shall be deemed to have violated this subsection.
(4) No legislator shall engage in conduct which constitutes a breach of public trust."

Floor Amendment No. 2 to **HB 38** by Representative Fitzgerald is as follows:

Amend printed copy of **HB 38**, page 8, line 8, by adding after the word "Commonwealth" the following:

"The Department shall also assist in a like manner all small farmers, trappers, furriers, and fishermen whose livelihood is affected by the above programs, regulations and procedures implemented by the Department."

Floor Amendment No. 5 to Committee Substitute for **HB 44** by Representative Romines is as follows:

Amend printed coy of Committee Substitute for **HB 44**, page 38, line 5, by deleting the words "ten percent (10%) and substituting in lieu thereof "five percent (5%)".

Representative B. Richardson moved to suspend the rules for Committee Reports. Agreed.

Posting of Bils and Resolutions for Consideration (continued)

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Agriculture and Natural Resources: **HB 74.**

Appropriations and Revenue: **HCR 31.**

State Government: **HB 73.**

Report of Committees (continued)

The Committee on State Government reported **HB 63**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 63, AN ACT relating to public procurement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 45A.080 is amended to read as follows:

(1) Contracts exceeding the amount provided by KRS 45A.100 shall be awarded by competitive sealed bidding unless it is determined in writing that this method is not practicable. Factors to be considered in determining whether competitive sealed bidding is not practicable shall include whether:

(a) Specifications can be prepared that permit award on the basis of either the lowest bid price or the lowest evaluated bid price; and

(b) The available sources, the time and place of performance, and other relevant circumstances as are appropriate for the use of competitive sealed bidding.

(2) The invitation for bids shall state whether award shall be made on the basis of the lowest bid price or the lowest evaluated bid price. If the latter basis is used, the objective measurable criteria to be utilized shall be set forth in the invitation for bids.

(3) Adequate public notice of the invitation for bids shall be given a sufficient time prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper *or newspapers* of general circulation in the state as determined by the secretary of the *department of finance for all price contracts and purchase contracts estimated to exceed seven thousand five hundred dollars ($7,500)* [executive department for finance and administration] not less than seven (7) days [nor more than twenty-one (21) days] before the date set for the opening of the bids.

(4) Bids shall be opened publicly at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and be open to public inspection.

(5) The contract shall be awarded with reasonable promptness by written notice to the responsive and responsible bidder whose bid is either the lowest bid price or lowest evaluated bid price.

(6) Correction or withdrawal of bids may be allowed only to the extent permitted by regulations issued by the secretary.

Section 2. KRS 45A.085 is amended to read as follows:

(1) When, under regulations issued by the secretary, the purchasing officer determines in writing that the use of competitive sealed bidding is not practicable, and except as provided in KRS 45A.095 and 45A.100, a contract may be awarded by competitive negotiation.

(2) Adequate public notice of the request for proposals shall be given in the same manner *and circumstances* as provided in KRS 45A.080(3).

(3) Contracts may be competitively negotiated when it is determined in writing by the purchasing officer that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements, or were not independently reached in open competition, and for which:

(a) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate; and

(b) The negotiated price is lower than the lowest rejected bid by any competitive bidder; and

(c) The negotiated price is the lowest negotiated price offered by any competitive offeror.

(4) The request for proposals shall indicate the relative importance of price and other evaluation factors.

(5) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the Commonwealth, taking into consideration price and the evaluation factors set forth in the request for proposals.

(6) Written or oral discussions shall be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerors. Discussions need not be conducted:

(a) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(b) Where time of delivery or performance will not permit discussions; or

(c) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction item, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all offerors of the possibility that award may be made on the basis of the initial offers.

Section 3. KRS 45A.385 is amended to read as follows:

(1) The local public agency shall establish small purchase procedures which shall be in writing and available to the public.

(2) Small purchase procedures may be used for the award of any contract or purchase which does not exceed an aggregate amount of *five thousand dollars ($5,000)* [twenty-five hundred dollars ($2,500)].

(3) Supplies, services or construction normally supplied as a unit cannot be artifically divided for the sole purpose of using small purchase procedures. Supplies, services or construction to be supplied over a period of time at the same unit price shall be considered a single purchase contract. A contract may be for any period of time that will provide the most beneficial market price to the local public agency, provided no time period shall be fixed for the sole purpose of avoiding the requirements of competitive sealed bidding or negotiation.

Section 4. Section 3 of this Act shall become effective on January 1, 1980.

Section 5. Whereas by KRS 45.390, repealed by Section 105 of Chapter 110, Acts of 1978, the department of finance had been authorized and required to advertise all price contracts and purchase contracts estimated to exceed seven thousand five hundred dollars ($7,500); and

Whereas, by inadvertence, this authorization was not transferred to the Kentucky model procurement code; and

Whereas, a requirement that all such contracts less than seven thousand five hundred dollars ($7,500) be advertised in newspaper will result in substantial increases in the operating costs of state agencies;

Now, Therefore, an emergency is deemed to exist and Sections 1 and 2 of this Act shall become effective upon its passage and approval by the governor.

Representative B. Richardson moved to suspend the rules to ratify the Committee postings that were read. Agreed.

Adjournment

Representative B. Richardson moved that the House adjourn until 2:00 p.m., January 31, 1979.

On the roll call the vote was yeas 48-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Brinkley, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Head, Hines, Isler, Johnson, Kenton, Kidd, LeMaster, List, May, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, Stone, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 12-W. Allen, Davenport, Fitzgerald, Guenthner, Holbrook, Holloway, Hurst, Imes, Layman, Mann, Rattliff, Robinson.

The motion to adjourn was adopted.

WEDNESDAY, JANUARY 31, 1979

NINETEENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Father Carl Schaeffer of the Church of the Good Shepherd, Frankfort,

The roll was called. All present except Representative Kleier.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of January 30, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 37, by Representative Dawahare: A RESOLUTION directing the institutions of higher education to comply with the admissions law.

HR 38, by Representative Dunn: A RESOLUTION directing the Interim Joint Committee on Appropriations and Revenue to study the feasibility of exempting from the state income tax all expenses incurred in adopting a child and the fiscal impact thereof and to report its findings to the 1980 Regular Session of the General Assembly.

HR 39, by Representative B. Richardson: A RESOLUTION directing a committee to wait upon the Governor.

HB 78, by Representatives Pearman, Burnette and Bruce: AN ACT relating to capital construction and equipment financing.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Counties and Special Districts: **SB 16**.

Judiciary-Courts: **SB 1**.

Judiciary-Statutes: **SB 11**.

Report of Committees

The Committee on Rules reported **HB 51** and **HB 52** with Committee Amendment, have been posted for passage in Orders of the Day, February 1, 1979.

The Committee on Rules reported **HB 19** and **HB 44** have been recommitted to the Committee on Appropriations and Revenue.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: **SB 5, HB 58**.

Judiciary-Statutes: **SB 11**.

Report of Committees (Continued)

The Committee on Appropriations and Revenue reported **HB 44**, with Second Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Second Committee Substitute to **HB 44** is as follows:

HB 44, AN ACT relating to revenue and taxation.
WHEREAS, the General Assembly intends in enacting this Act to reduce the impact of inflation on property taxes, both state and local, without reducing necessary governmental services;
NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.010 is amended to read as follows:
As used in this chapter, unless the context otherwise requires:
(1) "Department" means the department of revenue.
(2) "Taxpayer" means any person made liable by law to file a return or pay a tax.
(3) "Real property" includes all lands within this state and improvements thereon.
(4) "Personal property" includes every species and character of property, tangible and intangible, other than real property.
(5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his actual or habitual place of abode in this state for the larger portion of the twelve months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state.
(6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent per one hundred dollars of assessed value and applied to the *current year's* [1972] assessment of the property subject to taxation by a taxing district, excluding *new property and personal property* [net assessment growth, as defined in KRS 132.425], produces an amount of revenue approximately equal to that produced in *the preceding year from real property* [1971]. *However; in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property.*
(7) *"Net assessment growth" means the difference in the total valuation of property subject to taxation by the county, city, school district or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year, and the total valuation of property subject to taxation by the county, city, school district or special district for the current year.*
(8) "New property" means the net difference in value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:
(a) Property annexed or incorporated by a municipal corporation;
(b) Property, the ownership of which has been transferred from a tax-exempt entity to a non-tax-exempt entity;
(c) The value of improvements to existing non-residential property;
(d) The value of new residential improvements to property;
(e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;
(f) Property created by the subdivision of unimproved property;
(g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;
(h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that such property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided;
(i) The total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year.
"Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year.
(9) "Agricultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least ten contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber, or where devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government, where such activities produced an average annual gross income including payments under a state or federal program according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
10 to 30	$1,000+	$60.00 per acre, or a fraction thereof, over

		10 acres.
30 to 60	$2,200+	$40.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$3,400+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$4,400+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$5,900+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there must be an annual gross income of these amounts within two (2) years of purchase. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(10)[(8)] "Horticultural land" means any tract of land, including all income producing improvements but excluding all residences, of at least five contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers or ornamental plants, where such activities produced an average annual gross income according to the following scale:

Acres	Annual Gross Income +	Income Per Acre
5 to 30	$1,000 minimum, or	$100.00 per acre, or a fraction thereof, over 5 acres, or whichever amount is greater.
30 to 60	$3,000+	$50.00 per acre, or a fraction thereof, over 30 acres.
60 to 100	$4,500+	$25.00 per acre, or a fraction thereof, over 60 acres.
100 to 250	$5,500+	$10.00 per acre, or a fraction thereof, over 100 acres.
Over 250	$7,000+	$5.00 per acre, or a fraction thereof, over 250 acres.

The above annual gross income amounts must be achieved in three (3) out of the five (5) years preceding the tax year or there is evidence of anticipated annual gross income of these amounts. Land devoted exclusively to the growing of merchantable timber or nonincome producing woodland is excluded from the gross income provisions.

(11)[(9)] "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:

(a) Relative percentages of tillable land, pasture land, and woodland;
(b) Degree of productivity of the soil;
(c) Risk of flooding;
(d) Improvements to and on the land that relate to the production of income;
(e) Row crop capability including allotted crops;
(f) Accessibility to all-weather roads and markets; and
(g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income.

(12)[(10)] "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value.

(13)[(11)] "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including, but not limited to lawns, drives, flower or vegetable gardens, outbuildings and all other land connected thereto.

(14)[(12)] "Residential unit" means all or that part of real property occupied as the permanent residence of the owner.

(15)[(13)] "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property.

SECTION 2. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The property valuation administrator shall maintain lists of all real property additions and real property deletions to the property tax rolls for the county or urban county, and each city, school district and special district in the county or urban county, and shall certify such lists to the department of revenue, the state local finance officer, the city clerk of each city in the county, the treasurer or chief officer of each special district in the county, and the chief administrative officer of the urban county at the time he files his recapitulation of property assessed on the tax roll with the department of revenue.

Section 3. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2§) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25§) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15§) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15§) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15§) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45§) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) [Effective on and after January 1, 1968,] An annual ad valorem tax for state purposes of one and one-half cents (1 1/2§) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) [Effective on and after January 1, 1979,] Unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) The provisions of subsection (1) of this section notwithstanding, the state tax rate on real property shall be reduced to compensate for any increase in the aggregate assessed value of real property to the extent that such increase exceeds the preceding year's assessment by more than four percent (4%). In any year in which the aggregate assessed value of real property is less than the preceding year, the state rate shall be increased to the extent necessary to produce the approximate amount of revenue that was produced in the preceding year from real property.

(7) By July 1 each year, the department of revenue shall compute the state tax rate applicable to real property for the current year in accordance with the provisions of KRS 132.020(6) and certify the rate to the county clerks for their use in preparing the tax bills. In the event the assessment for all counties have not been certified by July 1, the department shall, when real property assessments equaling at least seventy-five percent (75%) of the estimated total value of the real property assessments have been certified, make an estimate of the uncertified amount and compute the state tax rate.

Section 4. KRS 132.023 is amended to read as follows:

(1) *(a)* Notwithstanding any statutory provisions to the contrary, [for 1972 and for all subsequent years,] no taxing district, other than the state, counties, school districts, [and] cities[,] *and urban-county governments,* shall levy a tax rate *for 1979-80* which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the maximum tax rate that could have been levied in 1978-79 to the 1978-79 assessment* [exceeds the compensating tax rate defined in KRS 132.010].

(b) In succeeding years, no taxing district other than the state, counties, school districts, cities and urban-county governments, shall levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the tax rate that was levied in the preceding year to the preceding year's assessment.

(2) *No taxing district, other than the state, counties, school districts, cities and urban-county governments, shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (3) of this section* [For the 1972 tax year and for all subsequent years, the combined city and school tax rate provided for in KRS 132.150 shall be limited by the compensating tax rate defined in KRS 132.010].

(3)(a) A taxing district, other than the state, counties, school districts, cities, and urban-county governments, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The taxing district shall advertise the hearing by causing to be published at least twice in two consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property in the taxing district, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a taxing district, other than the state, counties, school districts, cities and urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The taxing district, other than the state, counties, school districts, cities and urban-county governments shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the taxing district has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county in which the taxing district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 5. KRS 132.027 is amended to read as follows:

(1)*(a)* Notwithstanding any statutory provisions to the contrary, no city *or urban-county government* shall levy a tax rate *for 1979-80* which *will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the maximum tax rate that could have been levied in 1978-79 to the 1978-79 assessment* [exceeds the compensating tax rate defined in KRS 132.010, except as provided in subsection (2) of this section].

(b) In succeeding years, no city or urban-county government shall levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth, than would be produced by application of the tax rate that was levied in the preceding year to the preceding year's assessment.

(2) *No city or urban-county government shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the city or urban-county government has complied with the provisions of subsection (3) of this section* [Notwithstanding the limitations contained in subsection (1) of this section, any city which levied a poll tax in 1973 may include the revenues received from the poll tax in that year in computing the compensating tax rate for 1974 and subsequent years].

(3) (a) Cities or urban-county governments proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The city or urban-county government shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not

less than seven (7) days nor more than ten (10) days, after the day the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to this effect that the General Assembly has required publication of the advertisement and the information contained therein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property in the taxing district, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for such testimony.

(4)(a) Any action by a city or urban-county government to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The city or urban-county government shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the city or urban-county government has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall, and 3. the name, address and telephone number of the county clerk of the county or urban-county in which the taxing district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 6. KRS 160.470 is amended to read as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the state board of education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the department of revenue of public service company assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount.

(2) Notwithstanding any statutory provisions to the contrary, no district board of education shall *levy a general tax rate, voted general tax rate, or voted building tax rate for 1979-80 which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010,* [submit a budget for 1977-78 to the state board for elementary and secondary education which would require more revenue from local ad valorem taxes] than would be produced by application of the maximum *general tax rate, voted general tax rate, or voted building tax rate, respectively,* [rate] that could have been levied in *1978-79* [1976-77, minus thirty cents (30§)], to the *1978-79* [1976-77] assessment[, exclusive of voted levies and net assessment growth as defined KRS 132.425], except as provided in KRS 157.565. In succeeding years, no district board of education shall *levy a general tax rate, a voted general tax rate, or a voted building tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010,* [submit a budget which would require more revenue from local ad valorem taxes] than would be produced by application of the *general tax rate, voted general tax rate, or voted building tax rate, respectively,* [maximum tax rate] that *was* [could have been] levied in the preceding year to the preceding year's assessment[, exclusive of voted levies and net assessment growth as defined in KRS 132.425], except as provided in KRS 157.565. In the event of a merger of school districts, the limitations contained in this section shall be based upon the combined revenue of the merging districts, as computed under the provisions of this section.

(3) *No district board of education shall levy a general tax rate, voted general tax rate, or voted building tax rate within the limits imposed in subsection (2) of this section which respectively exceeds the compensating tax rate defined in KRS 132.010, except as provided in KRS 157.565, until the district board of education has complied with the provisions of subsection (10) of this section.*

(4) The superintendent of public instruction shall certify to each district board of education, by June *30* [1] of each year, *the following:*

(a) The general tax rate, voted general tax rate, or voted building tax rate that a district board of education could levy under the provisions of subsection (2) of this section, and the amount of revenue expected to be produced by each;

(b) The compensating tax rate as defined in KRS 132.010 for a district's general tax rate, voted general tax rate, or voted building tax rate, and the amount of revenue expected to be produced by each;

(c) The general tax rate, voted general tax rate, or voted building tax rate which will produce, respectively, no more revenue from real property, exclusive of revenue from new property, than four percent (4%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by each. [the maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the preceding year's 1976-77 assessment. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the preceding year's assessment.

(b) The superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in 1978-79 and any subsequent year 1976-77, minus thirty cents (30§), to the net assessment growth in each school district. In succeeding years, the superintendent of public instruction shall determine the total amount of ad valorem tax revenue which would be produced by application of the maximum tax rate that could have been levied in the preceding year to the net assessment growth in each school district. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the superintendent of public instruction by the department of revenue by May 20 of each year.

(c) The sum of the amounts computed under paragraphs (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (2) of this section.]

(5) The net assessment growth and new property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the superintendent of public instruction by the department of revenue by June 15 of each year.

(6)[(4)] Within *thirty (30)* [three (3)] days after the district board of education has received its assessment data, three (3) copies of the budget shall be forwarded to the state board of education for its approval or disapproval. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter.

(7)[(5)] The budget shall be disapproved by the state board of education if it is financially unsound or fails to provide for: (a) Payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the state board of education, or (b) Payment of rentals in connection with any outstanding school building revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300 and KRS 58.010 to 58.140, with the written approval of the state board of education, or fails to comply with the law; and the state board of education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget, within the limitations of this section, to obviate the reasons for disapproval and resubmit the budget to the state board of education for its final approval.

(8)[(6)] If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax-levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective and no ad valorem levy shall be made until approved by the state board of education.

(9)[(7)] Each district board of education shall, if required by the state board of education, prepare and submit to it not later than September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the state board of education, and which shall be consistent in its major divisions with the general school budget previously prepared.

(10) (a) A district board of education proposing to levy a general tax rate, voted general tax rate, or voted building tax rate within the limits of subsection (2) of this section which exceed the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The district board of education shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the general tax rate, voted general tax rate, and voted building tax rate levied in the preceding year, and the revenue produced by those rates; 2. the general tax rate, voted general tax rate, and voted building tax rate proposed for the current year and the revenue expected to be produced by those rates; 3. the compensating general, voted general, and voted building tax rates and the revenue expected from them; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearing which shall be held not less than seven (7) days nor more than ten (10) days after the day that the second advertisement is published; 7. the purpose of the hearing; and 8. a statement to the effect that the General Assembly has required publication of the advertisement and the information contained herein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The district board of education may set reasonable time limits for such testimony.

(11)(a) Any action by a district board of education to levy a general tax rate, a voted general tax rate, or a voted building tax rate, except as provided in KRS 157.565, which will produce respectively, revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property, shall be subject to a recall vote or reconsideration by the district board of education, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The district board of education shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a general tax rate, voted general tax rate, or voted building tax rate, except as pro-

vided in KRS 157.565, which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the district board of education has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk of the county or urban-county in which the school district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 7. KRS 68.245 is amended to read as follows:

(1) Notwithstanding any statutory provisions to the contrary, no county *fiscal court* [budget commission] shall *levy a tax rate which will produce more revenue, exclusive of revenue from net assessment growth as defined in KRS 132.010, than would be produced from application of the preceding year's tax rate to the preceding year's assessment* [submit a budget which would require more revenue from local ad valorem taxes than would be produced by application of the preceding year's rate to the preceding year's assessment, exclusive of voted levies and net assessment growth, except as provided in subsection (3) of this section]. The property valuation administrator shall submit an official estimate of net assessment growth, as determined in accordance with KRS *132.010* [132.425], to the county judge/executive by April 1 of each year.

(2) No county fiscal court shall levy a tax rate within the limits imposed in subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (5) of this section. The property valuation administrator shall submit an official estimate of new property and personal property, as determined in accordance with KRS 132.010, to the county judge/executive by May 1 of each year.

(3)[(2)] The state local finance officer shall certify to each county budget commission, by June *30* [25] of each year, the *following:*

(a) The tax rate that a fiscal court could levy under the provisions of subsection (1) of this section, and the amount of revenue expected to be produced by it;

(b) The compensating tax rate, as defined in KRS 132.010, and the amount of revenue expected to be produced by it;

(c) The tax rate which will produce no more revenue from real property, exclusive of revenue from new property, than four percent (4%) over the amount of revenue produced the preceding year from real property, and the amount of revenue expected to be produced by it [maximum permissible local ad valorem tax revenue. This amount shall be computed as follows:

(a) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's rate to the preceding year's assessment.

(b) The state local finance officer shall determine the total amount of local ad valorem tax revenue which would be produced by application of the preceding year's effective county rate to the net assessment growth in each county. The net assessment growth as determined in accordance with KRS 132.425 shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(c) The sum of the amounts computed under subsections (a) and (b) of this subsection shall be the maximum permissible local ad valorem tax revenue for purposes of subsection (1) of this section, except as otherwise therein prescribed.

(3) Notwithstanding the limitations contained in subsection (1) of this section any county budget commission which, in preparing the proposed budget, deems that it will require an amount of revenue from ad valorem taxes greater than that permitted in subsection (1) may submit to the levying authority for the tax years 1966 and 1967 a budget which could require an increase in such revenue of not more than ten percent (10%) after compliance with the following:

(a) The county budget commission shall give notice of any proposed increase in revenue. Notwithstanding any statutory provisions to the contrary, notice shall be given by causing to be published, at least one (1) time in a newspaper of general circulation published in the county or by posting at the courthouse door if there be no such newspaper, the fact that said increase of not exceeding ten per cent (10%) is being proposed. Said advertisement shall state that the county budget commission will meet at a place and on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertisement for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposals.

(b) The county budget commission shall conduct a public hearing at the place and on the date advertised for the purpose of hearing comments and complaints regarding the proposed increase and explaining the reasons for such proposal].

(4) The net assessment growth, new property and personal property determined in accordance with KRS 132.010 and Section 2 of this Act shall be certified to the state local finance officer by the department of revenue by June 15 of each year.

(5) (a) A county fiscal court, proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for such a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.

(b) The county fiscal court shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following: 1. the tax rate levied in the preceding year, and the revenue produced by that rate; 2. the tax rate proposed for the current year and the revenue expected to be produced by that rate; 3. the compensating tax rate and the revenue expected from it; 4. the revenue expected from new property and personal property; 5. the general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated; 6. a time and place for the public hearings which shall be held not less than seven (7) days nor more than ten (10) days, after the day that the second advertisement is published; 7. The purpose of the hearing; and 8. a statement to the effect that the general assembly has required publication of the advertisement and the information contained therein.

(c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first class mail to each person owning real property, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.

(d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The county fiscal court may set reasonable time limits for such testimony.

(6) (a) Any action by a county fiscal court to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced the preceding year from real property shall be subject to a recall vote or reconsideration by the taxing district, such as the case may be, as provided for in Section 8 of this Act, and shall be advertised as provided for in paragraph (b) of this subsection.

(b) The county fiscal court shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced the preceding year from real property, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following: 1. the fact that the county fiscal court has adopted such a rate; 2. the fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced in the preceding year from real property is subject to recall; and 3. the name, address and telephone number of the county clerk, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

SECTION 8. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

(1) (a) The ordinance, order, resolution, or motion of a county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district to levy a tax rate subject to recall as provided for in Sections 4, 5, 6 and 7 of this Act, shall go into effect thirty (30) days after its passage. If during the thirty (30) days next following the passage of the order, resolution, or motion a petition signed by a number of registered and qualified voters equal to ten percent (10%) of the voters voting in the last Presidential election is presented to the county fiscal court, district board of education, or legislative body of a city or urban-county government or other taxing district, as the case may be, protesting against passage of the ordinance, order, resolution, or motion, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (2) of this section. Each sheet of the petition shall contain the names and addresses of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. The board or boards of registration in the county shall give necessary and appropriate aid to the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing istrict so that the latter body may make the conclusive determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

(b) The county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district may cause the cancellation of the election by reconsidering the ordinance, order, resolution, or motion and amending such ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced the preceding year from real property. Such action by the county fiscal court, district board of education, legislative body of a city, urban-county government or other taxing district shall be valid only if taken within fifteen (15) days following the date of the presentation of the petition.

(2) In the event an election is necessary under the provisions of subsection (1) of this section, the county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county at the next regular election, the question as to whether such property tax rate shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect.

Section 9. KRS 132.690 is amended to read as follows:

(1) *One-half of* all taxable real property or interest therein subject to assessment by the property valuation administrator shall be *physically examined and* revalued during *each* [the second] year of each term of office by the property valuation administrator *at its fair cash value* in accordance with standards prescribed by the department of revenue.

(2) The right of any individual to appeal the assessment on his property in any year as provided in KRS 133.120 shall in no way be affected by this section.

(3) Should the property valuation administrator fail to revalue property as required by this section the department of revenue shall have the authority to order an emergency revaluation in the same manner as provided for emergency assessments by KRS 132.660. Any property valuation administrator wilfully violating the provisions of *subsection (1) of* this section *or who refuses to comply with the directions of the department of revenue to correct the assessment shall have his compensation suspended by the department and* shall be subject to removal from office as provided by KRS 132.370*(4)*[(3)] *and shall be subject to the provisions of KRS 132.620 and KRS 61.120.*

(4) In any year in which physical examination and revaluation is not required by subsection (1) of this section the property valuation administrator shall assess all property as provided by KRS 132.420(1) and KRS 132.450(1).

(5) Nothing in this section shall prohibit action by the department of revenue under the provisions of KRS 133.150 or KRS 132.660 in any year in which the department determines such action to be necessary.

SECTION 10. A NEW SECTION OF KRS CHAPTER 133 IS CREATED TO READ AS FOLLOWS:

By January 30 of each year, the department of revenue shall cause to be published in the newspaper of largest circulation in each county, a listing of the level of assessment for every county for the prior tax year of real property expressed as a percentage of fair cash value, as calculated by sales-assessment ratio studies which shall be conducted by the department of revenue.

SECTION 11. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

The department of revenue shall draft, and the sheriff shall mail with the property tax bills annually, an explanation of the provisions of this Act.

Section 12. KRS 132.425 - Net assessment growth, is repealed.

Section 13. Whereas a number of changes to the operations of the offices of the property valuation administrator, the department of revenue, the superintendent of public instruction, and the state local finance officer are affected by this Act, and whereas these changes must be made prior to the levying of state or local tax rates for 1979-80, and whereas these changes will require some time to put into effect, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

Calendar

HB 68, **HB 62** and **HB 63** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

Representative B. Richardson moved to suspend the rules to act on a Resolution. Agreed.

Representative B. Richardson moved the adoption of the following **HR 39**:

HR 39, A RESOLUTION directing a committee to wait upon the Governor.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That a committee of this House be appointed by the Speaker to wait upon the Senate and the Governor and inform him that the General Assembly is ready to receive any communication he may care to deliver relative to those matters included in the call of this extraordinary session.

HR 39 was adopted by voice vote.

The Speaker appointed the following Committee to wait upon the Honorable Julian M. Carrol, Governor: Representatives DeMarcus, Boatwright, McNutt, Bruce, Lindsay and Hines.

Representative Deskins moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Deskins requested that he be recorded as voting "yea" on **HB 54**, **HB 49**, **HB 53** and **HR 5**.

Representative Dunn moved to suspend the rules to act upon a Resolution. Agreed.

Representative Dunn moved the adoption of the following **HR 38**:

HR 38, A RESOLUTION directing the Interim Joint Committee on Appropriations and Revenue to study the feasibility of exempting from the state income tax all expenses incurred in adopting a child and the fiscal impact thereof and to report its findings to the 1980 Regular Session of the General Assembly.

WHEREAS, most persons adopting children are young and have a limited income; and

WHEREAS, in an adoption proceeding, the adopting parents must incur numerous expenses, including an attorney's fee, filing fee in circuit court and the fee of the guardian ad litem, in those cases where a guardian is required by law; and

WHEREAS, in those cases where the child is placed through an agency licensed by the state to place children for adoption, the adopting parents may be required to pay a fee to the agency; and

WHEREAS, in other cases the adopting parents pay the medical expenses of the natural mother of the child, which they cannot deduct in computing their taxes;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Interim Joint Committee on Appropriations and Revenue is hereby directed to study the feasibility of exempting from the state income tax all expenses incurred in adopting a child and the fiscal impact thereof.

Section 2. That the Interim Joint Committee on Appropriations and Revenue report its findings together with its recommendation to the 1980 Regular Session of the General Assembly.

HR 38 was adopted by voice vote.

Representative Blandford moved to suspend the rules to introduce and act upon a Resolution. Agreed.

HR 40, by Representatives Blandford, Guy and Johnson: A RESOLUTION in honor of Todd Davis Boswell.

Representative Blandford moved that the rules be suspended to allow a roll call to show co-sponsors of HR 40:

The following members requested that their names be added as co-sponsors of **HR 40**: Adams, Arnold, Bennett, Beshear, Blandford, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, Marcum, May, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wilborn, Williams, Worthington, Wright, Yates.

Representative Blandford moved the adoption of the following **HR 40**.

HR 40, A RESOLUTION in honor of Todd Davis Boswell.

WHEREAS, the Honorable Todd Davis Boswell did begin his life on January 30, 1979, at 2:00 p.m. (CST), and did at such time weigh 7 pounds, 8 ounces; and

WHEREAS, this young gentleman, the offspring of Representative and Mrs. David Boswell, no doubt will attain a high station in public life, given the example of his illustrious forebears; and

WHEREAS, the House of Representatives anticipates eargerly the forthcoming service by Todd Davis Boswell, certainly as a Page, and perhaps as a member;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does congratulate Representative and Mrs. David Boswell on the birth of their son Todd Davis Boswell, and that when the House adjourns on Wednesday, January 31, 1979, it does so in honor of Todd Davis Boswell.

HR 40 was adopted by voice vote.

Representative B. Richardson moved to suspend the rules to act upon a Resolution. Agreed.

Representative Dawahare moved the adoption of the following **HR 37**:

HR 37, A RESOLUTION directing the institutions of higher education to comply with the admissions law.

WHEREAS, there exists a shortage of doctors, dentists, and lawyers in rural areas of the Commonwealth of Kentucky; and

WHEREAS, KRS 164.475 requires that the board of trustees of the state colleges and universities offering degree programs in medicine and dentistry allocate seventy percent (70%) of the enrollment positions for the entering class each year equally among each of the Kentucky congressional districts; and

WHEREAS, an analysis of the incoming class of 1978 at the University of Kentucky and the University of Louisville indicates that the provisions of KRS 164.475 have not been met;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The institutions of higher education shall take immediate steps to implement the provisions of KRS 164.475 to insure that the entering class of 1979 shall be in conformity with such provisions.

Section 2. A copy of this resolution shall be sent to the presidents of all Kentucky colleges and universities.

HR 37 was adopted by voice vote.

Representative Cyrus moved that the rules be suspended to introduce and act upon a Resolution. Agreed.

HR 42, by Representatives Cyrus, Holbrook and Robinson: A RESOLUTION urging the Federal Communications Commission to restrict the use of profane and morally abusive language.

Representative Cyrus moved the adoption of the following **HR 42**:

HR 42, A RESOLUTION urging the Federal Communications Commission to restrict the use of profane and morally abusive language.

WHEREAS, television is the most pervasive of all media, reaching into millions of homes and affecting the lives of men, women and children of all ages; and

WHEREAS, the language in television broadcasts has become increasingly offensive in recent years; and

WHEREAS, television networks and individual stations are licensed by the Federal Communications Commissison to operate in the public interest; and

WHEREAS, the FCC has an obligation to see that programs broadcast over the public airways are in good taste and, where possible, morally uplifting;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby urge the Federal Communications Commission to restrict the use of profane and morally abusive language on television during prime viewing time and in the early evening hours.

Section 2. That the Clerk is hereby directed to forward a copy of this resolution to the chairman of the Federal Communications Commission.

HR 42 was adopted by voice vote.

Representative F. Smith moved that the rules be suspended for the purpose of introducing a House Concurrent Resolution. Agreed.

HCR 41, by Representative F. Smith: A CONCURRENT RESOLUTION requesting that state and federal agencies proceed with the utmost urgency to obtain funds to clean up existing hazardous waste dumps.

Orders of the Day

HB 38, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of Committee Amendment No. 1 to **HB 38**. Agreed.

Representative B. Richardson moved the passage of **HB 38** as amended.

Representative J. White moved the adoption of Floor Amendment No. 1 to **HB 38**.

On the roll call the vote was yeas 56-W. Allen, Blandford, Brinkley, Brown, Bruce, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Donnermeyer, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Haering, Head, Holbrook, Holloway, Hurst, Isler, Johnson, Kidd, Layman, List, Marcum, May, McBee, McKinney, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Riner, Robinson, Sale, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Williams, Wright, Yates. Nays 11-Benson, Blythe, Carpenter, Clapp, Clarke, Craddock, Hancock, Imes, Jones, B. Richardson, F. Smith.

Floor Amendment NO. 1 to **HB 38** was adopted.

Representative B. Richardson moved that **HB 38**, as amended, be passed.

On the roll call the vote was yeas 53-Adams, W. Allen, Arnold, Beshear, Boatwright, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Craddock, Cyrus, Dawahare, DeMarcus, Dunn, Foster, Gay, Gray, Guy, Head, Hines, Holbrook, Hurst, Imes, Kenton, Kidd, Layman, Marcum, May, McKinney, Morris, Noe, O'Brien, Patrick, Plummer, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Weinberg, Wells, White, Williams, Worthington. Nays 35-Bendl, Bennett, Benson, Burch, Clarke, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Freibert, Guenthner, Haering, Hancock, Holloway, Isler, Johnson, Jones, LeMaster, Lindsay, List, Little, Mann, Maynard, McNutt, Nett, Overstreet, Pearman, Petty, Priddy, Siemens, F. Smith, Van Horn, Wilborn, Wright.

HR 38, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 38**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 40 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Guy moved that **HB 40** be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, W. Allen, Arnold, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Wells, White, Wilborn, Williams, Worthington. Nays 20-Bendl, Bennett, Benson, Burch, Dunn, Freibert, Haering, Hancock, Kidd, Little, Maynard, Overstreet, Priddy, Riner, Robinson, Romines, Van Horn, Weinberg, Wright, Yates.

HB 40 was passed and the title agreed to.

(Representatives Clapp and Tobin abstained from voting due to a conflict of interest.)

Representative Guy moved that the vote by which **HB 40** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 50 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved that **HB 50** be passed.

On the roll call the vote was yeas 97-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 50 was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **HB 50** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HJR 4, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of Committee Amendment No. 1 to **HJR 4**. Agreed.

Representative B. Richardson moved that **HJR 4**, as amended, be passed.

On the roll call the vote was yeas 87-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Gray, Guy, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 4-Davenport, Fitzgerald, Guenthner, Overstreet.

HJR 4, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HJR 4**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 19, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved the adoption of **HCR 19**.

Representative Tobin moved the adoption of Floor Amendment No. 2 to **HCR 19**.

On the roll call the vote was yeas 69-J. Allen, W. Allen, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Dunn, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Imes, Isler, Johnson, Layman, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Williams, Wright, Yates. Nays 9-Adams, Bendl, Clapp, Clarke, Donnermeyer, Hancock, Jones, Nett, Wells.

Floor Amendment No. 2 to **HCR 19** was adopted.

Representative B. Richardson moved that **HCR 19**, as amended, be passed.

On the roll call the vote was yeas 97-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 19, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 19**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that consideration of **SB 8** be deferred and that it retain its position in Orders of the Day. Agreed.

Announcements

Representative LeMaster announced a special meeting of the Committee on Judiciary-Statutes for February 1, 1979 in Room C at 12:45 p.m.

Representative Fitzgerald announced a special meeting of the Committee on Counties and Special Districts for February 1, 1979 in Room 307 at 10 a.m.

Representative Donnermeyer announced a meeting of the Democratic Caucus in Room 327 upon adjournment.

Representative Imes announced a meeting of the Committee on State Government for February 1, 1979 in Room C at noon.

Representative Weinberg announced a meeting of the Subcommittee on State Government to discuss duties of the Lt. Governor for February 1, 1979 in Room C at 10 a.m.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue for February 1, 1979 at 10 a.m.

Representative Blandford announced the meeting of the Committee on Agriculture and Natural Resources for February 1, 1979 at 8 a.m. has been cancelled.

The Clerk announced a meeting of the Committee on Rules and a meeting of the Democratic Caucus upon recess.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 6 to the Second Committee Substitute to **HB 44** by Representative DeMarcus is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 15, line 24, by deleting everything after the word "*vote*";

and on line 25, by deleting same in its entirety;

and on line 26, by deleting at the beginning of the line the word "*be,*";

and on page 16, line 24, by deleting the words "*petition required to initiate*";

and on page 20, line 5, by deleting everything after the word "*vote*";

and on line 6, by deleting the words "*district, such as the case may be,*"

and on page 21, line 3, by deleting the words "*petition required to initiate*";

and on page 29, line 23, by deleting everything after the word "*vote*";

and on line 24, by deleting everything before the second "*as*";

and on page 30, line 23, by deleting the word "*petition*";

and on line 24, by deleting the words "*required to initiate*"

and on page 36, line 22, by deleting everything after the word "*vote*";

and on line 23, by deleting the words "*such as the case may be,*";

and on page 37, line 18, by deleting the words "*petition required to initiate*";

and on page 38, line 2, by inserting after the word "sage." the following:

"(b) If the ordinance, order, resolution or motion will produce revenue from real property, exclusive of revenue from new property, exceeding the amount of revenue produced the preceding year by more than the limits set in Sections 4, 5, 6, and 7 of this Act, the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county, at the next regular election to be held not less than sixty (60) days from the date of passage, the question of whether such property tax rate shall be levied.";

and on page 38, line 2, by deleting everything after the word "sage.";

and on lines 3 through 26, by deleting same in their entirety;

and on page 39, lines 1 through 24, by deleting same in their entirety;

and on line 25, by deleting the words “be levied.”;

and on page 40, line 5, by adding at the end of line 5 the following: “In no case shall a tax rate enacted in accordance with this section take effect until after the results of a recall election are certified, should such an election be necessary.”

The Floor Amendment No. 7 to the Second Committee Substitute to **HB 44** by Representative Blythe is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 42, after line 14, by adding the following:

Section 14. KRS 141.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:
(1) “Commissioner” means the commissioner of revenue;
(2) “Department” means the department of revenue;
(3) [“Internal Revenue Code” means the Internal Revenue Code in effect on December 31, 1977, exclusive of any amendments made subsequent to that date;
(4) “Dependent” means those persons defined as dependents in the Internal Revenue Code;
(5)] “Fiduciary” means “fiduciary” as defined in Section 7701(a)(6) of the Internal Revenue Code;
(4)[(6)] “Fiscal year” means “fiscal year” as defined in Section 7701(a)(24) of the Internal Revenue Code;
(5)[(7)] “Individual” means a natural person;
[(8) For taxable years beginning on or after January 1, 1974, “federal income tax” means the amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter, minus any federal tax credits actually utilized by the taxpayer;]
(6)[(9)] *Federal taxable income* [“Gross income”] in the case of taxpayers other than corporations *shall be* [means “gross income” as defined in section 61 of the Internal Revenue Code and] adjusted as follows:
(a) Exclude income that is exempt from state taxation by the Kentucky constitution and the constitution and statutory laws of the United States;
(b) Exclude undistributed income or any losses attributed to shareholders of a corporation which has elected to be taxed under subchapter S of chapter 1 of the Internal Revenue Code;
(c) Exclude income from supplemental annuities provided by the railroad retirement act of 1937 as amended and which are subject to federal income tax by Public Law 89-699;
(d) Include interest income derived from obligations of sister states and political subdivisions thereof;
(e) Exclude the net operating loss deduction allowed under section 172 of the Internal Revenue Code;
(f) Exclude any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;
(g) Exclude any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);
(h) Exclude or include those items of income which are granted special treatment by other chapters of the Kentucky Revised Statutes;
(i) Any casualty loss occurring after December 31, 1976, and allowable under section 165(c) of the Internal Revenue Code, shall be deducted by an individual from adjusted gross income for the year in which the loss occurred, or, in the case of disaster losses allowable under section 165(h) of the Internal Revenue Code, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Any remaining casualty or disaster loss may be carried forward and deducted from adjusted gross income in succeeding years until it has been fully deducted;
(j) Federal military retirement annuities shall be excluded from the gross income of persons fifty (50) years of age or older, and federal retirement annuities shall be excluded from the gross income of persons receiving annuities from a federal retirement system and who are fifty (50) years of age or older, subject to the following limitations:

If Earned Income From Sources Other Than Annuities Described Above Is:	*The Maximum Annuity Exclusion Is:*
$3,000 or Less	*$4,000*
3,001 to 4,000	*3,000*
4,001 to 5,000	*2,000*
5,001 to 6,000	*1,000*
Over 6,000	*0*

[(10) “Adjusted gross income” in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by section 62 of the Internal Revenue Code and adjusted as follows, except that deductions shall be limited to amount allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) Include all overpayments of federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code and by Section 214 of the Internal Revenue Code as it existed on December 31, 1975 except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) The net operating loss deduction allowed under section 172 of the Internal Revenue Code;

(b) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income, except that such taxes paid to foreign countries may be deducted;

(c) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090(h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090(h);

(d) The deduction for personal exemptions allowed under section 151 of the Internal Revenue Code and any other deductions in lieu thereof;]

(7)[(12)] "Gross income," in the case of corporations, means "gross income" as defined in section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky constitution and the constitution and statutory laws of the United States;

(b) Exclude all dividend income received after December 31, 1969;

(c) Include interest income derived from obligations of sister states and political subdivisions thereof;

(d) Exclude fifty percent (50%) of gross income derived from any disposal of coal covered by section 631(c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(e) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(f) Include the amount calculated under KRS 141.205;

(g) Ignore the provisions of section 281 of the Internal Revenue Code in computing gross income;

(8)[(13)] "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by chapter 1 of the Internal Revenue Code, except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income and which is paid or accrued to any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or to any foreign country or political subdivision thereof;

(b) The deductions contained in sections 172, 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of section 281 of the Internal Revenue Code shall be ignored in computing net income;

(d) Any deduction directly or indirectly allocable to income which is either exempt from taxation or otherwise not taxed under the provisions of this chapter, and nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(9)[(14)] (a) "Taxable net income," in the case of corporations having property or payroll only in this state, means "net income" as defined in subsection (13) of this section;

(b) "Taxable net income," in the case of corporations having property or payroll both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120; and

(c) "Property" means either real property or tangible personal property which is either owned or leased. "Payroll" means compensation paid to one or more individuals, as described in KRS 141.120(8)(b). Property and payroll are deemed to be entirely within this state if all other states are prohibited by Public Law 86-272, as it existed on December 31, 1975, from enforcing income tax jurisdiction;

(10)[(15)] "Person" means "person" as defined in section 7701(a)(1) of the Internal Revenue Code;

(11)[(16)] "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made;

(12)[(17)] "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(13)[(18)] "Nonresident" means any individual not a resident of this state;

(14)[(19)] "Employer" means "employer" as defined in section 3401(d) of the Internal Revenue Code;

(15)[(20)] "Employe" means "employe" as defined in section 3401(c) of the Internal Revenue Code;

(16)[(21)] "Number of withholding exemptions claimed" means the number of withholding exemptions claimed *for federal withholding purposes* [in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero];

(17)[(22)] "Wages" means "wages" as defined in section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), and (q) of the Internal Revenue Code;

(18)[(23)] "Payroll period" means "payroll period" as defined in Section 3401(b) of the Internal Revenue Code;

(19)[(24)] "Corporations" means "corporations" as defined in section 7701(a)(3) of the Internal Revenue Code.

Section 15. KRS 141.020 is amended to read as follows:

(1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

(2) After the legislature approves the budget and the amount of revenue needed for the budget for the biennium, it shall set the percent tax rate for the biennium required to produce the amount of revenue as set forth by the budget. If the Congress changes the individual income tax rates substantially, or if the economy changes substantially enough to affect the amount of revenue likely to be collected then the commissioner of revenue shall increase or decrease the percentage set by the legislature by no more than one and one-half percent (1 1/2%) effective November 1 of each year in order to produce the revenue that was set by the legislature.

[An annual tax shall be paid for each taxable year by every resident individual of this state upon his entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3).

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars;

(e) Six percent of the amount of net income in excess of eight thousand dollars.]

(3) There shall be a review of the adjustment of the commissioner of revenue by the administrative regulation review subcommittee, which may then petition the governor to call a special of the legislature no later than November 15, if the adjustment by the commissioner of revenue is, in its judgment, not satisfactory.

(4) The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in this chapter without any allowance for credits against such tax permitted under the Internal Revenue Code.

(5) Twenty dollars ($20.00) as a tax credit, if the taxpayer is a member of the Kentucky national guard at the close of the taxable year [The following tax credits, when applicable], shall be deducted from the result obtained under subsection *(1)* [(2)] to arrive at the annual tax[:

(a) Twenty dollars for an unmarried individual;

(b) Twenty dollars for a married individual filing a separate return and an additional twenty dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in section 153 of the Internal Revenue Code;

(c) Twenty dollars credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his spouse;

(d) An additional forty dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional forty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(f) An additional forty dollars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional forty dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.010(10), without the adjustments contained in (a) and (b) of that subsection, to his adjusted gross income as defined in section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either:

1. The method contained above applied to his tax credit(s), excluding credits for a spouse and dependents, or

2. Prorating his tax credit(s) plus the tax credits for his spouse and dependents by the ratio of his Kentucky adjusted gross income as determined by KRS 141.010(10), without the adjustments contained in (a) and (b) of that subsection, to the total joint federal adjusted gross income of the taxpayer and his spouse;

(i) In the case of an individual who becomes a resident of Kentucky during the taxable year, the tax credits allowable under this subsection shall be that portion of those permitted therein that is represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by subsection (10) of KRS 141.010, without the adjustments contained in paragraphs (a) and (b) of that subsection, to his adjusted gross income as defined in section 62 of the Internal Revenue Code;

(j) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars;

(k) In the case of an estate, the allowable tax credit shall be twenty dollars;

(l) An additional twenty dollars credit if the taxpayer is a member of the Kentucky national guard at the close of the taxable year].

(6)[(4)] An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or possession thereof. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.

(7)[(5)] Subject to the provisions of KRS 141.081, any individual may elect to pay the annual tax imposed by KRS 141.023 in lieu of the tax levied under this section.

(8)[(6)] An individual who becomes a resident of Kentucky during the taxable year is subject to taxation as prescribed in subsection (4) of this section prior to establishing such residence and as prescribed in subsection (1) of this section following the establishment of such residence.

(9)[(7)] An individual who becomes a nonresident of Kentucky during the taxable year is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that he is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when he is a nonresident.

Section 16. KRS 141.180 is amended to read as follows:

(1) An income tax return shall be filed by the following:

(a) Every resident individual who is required to file a federal income tax return for the taxable year;

(b) Every nonresident individual who has income from sources in this state; and

(c) Every estate or trust which is required to file a federal income tax return.

(2) A husband and wife, both residents, shall file a joint return if their federal income tax liability was determined on a joint return, but they shall file separately if their federal income tax liability was determined separately.

(3) A husband and wife, both nonresidents, shall file as specified above if both have income from Kentucky but if only one has income from a Kentucky source a separate return shall be filed and the tax determined accordingly.

[Every individual, except as otherwise provided in this section, having for the taxable year an adjusted gross income which exceeds sixteen hundred and fifty dollars ($1,650), if single, or if married and not living with husband or wife and every married individual living with husband or wife whose adjusted gross income combined with the adjusted gross income of his or her spouse exceeds twenty-six hundred and fifty dollars ($2,650) shall make to the department a return stating specifically the items which he claims as deductions and tax credits allowed by this chapter.

(2) Any individual who is blind or who has attained the age of sixty-five (65) before the close of his taxable year shall be required to make a return only if he has for the taxable year an adjusted gross income which exceeds thirty-six hundred and fifty dollars ($3,650). Every married individual living with husband or wife shall, if both spouses have attained the age of sixty-five (65), be required to make a return if the combined adjusted gross income of both spouses exceeds five thousand four hundred dollars ($5,400). If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

(3) Any individual, who is both sixty-five (65) or over and blind before the close of the taxable year, shall make a return if he has for the taxable year an adjusted gross income which exceeds four thousand nine hundred dollars ($4,900).

(4) Notwithstanding any other provision of this section, an individual, having for the taxable year gross income from self-employment of sixteen hundred and fifty dollars ($1,650) or more, shall make a return.

(5) Any nonresident individual with gross income from Kentucky sources and a total gross income of sixteen hundred and fifty dollars ($1,650) or over shall make a return.

(6) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns. However, in the event separate returns are made, neither spouse shall report income nor claim deductions properly attributable to the other.

(7) An optional return properly filed under the provisions of KRS 141.023 shall be deemed sufficient to satisfy the provisions of this section.]

(4)[(8)] Each individual return shall be verified by a written declaration that it is made under the penalties of perjury.

Section 17. KRS 141.190 is amended to read as follows:

(1) Every fiduciary, except a receiver appointed by authority of law in possession of part only of the property of an individual, shall make under oath a return for [any of the following] individuals, estates, or trusts for which he acts, setting forth therein such information as may be prescribed by the department[:

(a) Every individual having an adjusted gross income for the taxable year which exceeds sixteen hundred and fifty dollars ($1,650);

(b) Every estate the gross income of which for the taxable year is twelve hundred dollars ($1,200) or over;

(c) Every trust the gross income of which for the taxable year is one hundred dollars ($100) or over].

(2) Any fiduciary required to make a return under this chapter shall be subject to all the provisions of this chapter that apply to individuals.

Section 18. KRS 141.310 is amended to read as follows:

(1) Every employer making payment of wages on or after January 1, 1971 shall deduct and withhold upon such wages a tax determined under [KRS 141.315 or by] the tables authorized by KRS 141.370 *or by subsection (2) of this section.*

(2) [If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days, including Sundays and holidays, equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days, including Sundays and holidays, which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

(5) The tables mentioned in subsection (1) of this section take into consideration the deductible federal income tax. If congress changes substantially the federal income tax, the department shall make such change in these tables as necessary to compensate for any increase or decrease in the deductible federal income tax.

(6)] The department may permit the use of accounting machines to calculate the proper amount to be deducted from wages when the calculation so permitted produces substantially the same result set forth in the tables authorized by KRS 141.370. Prior approval of such calculation shall be secured from the department at least thirty days before the first payroll period for which it is to be used.

[(7) The department may, by regulations, authorize employers:

(a) To estimate the wages which will be paid to any employe in any quarter of the calendar year;

(b) To determine the amount to be deducted and withheld upon each payment of wages to such employe during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

(c) To deduct and withhold upon any payment of wages to such employe during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employe during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employe was quarterly.

(8) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and KRS 141.315 in cases in which the employer and the employe agree to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.]

(3)[(9)] Any employer required by this section to withhold Kentucky income tax may be required to post a bond with the department. Such bond shall be a corporate surety bond or cash. The amount of the bond shall be determined by the department, but in no case shall exceed fifty thousand dollars.

(4)[(10)] The Commonwealth may bring an action for a restraining order, temporary or permanent injunction to restrain or enjoin the operation of an employer's business until the bond is posted or the tax required to be withheld is paid or both. Such action may be brought in the Franklin Circuit Court or in the circuit court having jurisdiction of the defendant.

Section 19. The following sections of the KRS are repealed:

141.011 Deduction of casualty and disaster losses.
141.021 Federal annuities excluded from gross income.
141.023 Optional short form tax.
141.081 Optional standard deduction for individuals — Exception.
141.315 Department to promulgate regulations governing certain types of wage payments.
141.320 Remuneration paid by an employer deemed wages.
141.325 Withholding exemptions — Certificates.

The Floor Amendment No. 8 to the Second Committee Substitute to HB 44 by Representative Richards is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 12, line 9, by changing the word "four" to "five" and the number "4" to "5";

on page 15, line 22, change the word "four" to "five" and the number "4" to "5";

on page 16, line 9, change the word "four" to "five" and the number "4" to "5";

on line 18, change the word "four" to "five" and the number "4" to "5";

on page 20, line 3, change the word "four" to "five" and the number "4" to "5";

on line 14, change the word "four" to "five" and the number "4" to "5";

on line 22, change the word "four" to "five";

on line 23, change the number "4" to "5";

on page 23, line 26, change the word "four" to "five" and the number "4" to "5";

on page 29, line 21, change the word "four" to "five" and the number "4" to "5";

on page 30, line 8, change the word "four" to "five" and the number "4" to "5";

on line 17, change the word "four" to "five" and the number "4" to "5";

on page 32, line 11, change the word "four" to "five" and the number "4" to "5";

on page 36, line 19, change the word "four" to "five";

on line 20, change the number "4" to "5";

on page 37, line 4, change the word "four" to "five";

on line 5, change the number "4" to "5";

on line 13, change the word "four" to "five" and the number "4" to "5";

and on page 39, line 9, change the word "four" to "five" and the number "4" to "5".

The Floor Amendment No. 9 to the Second Committee Substitute to **HB 44** by Representative Richards is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 38, line 5, by changing the word "ten" to "fifteen" and the number "10" to "15".

The Floor Amendment No. 10 to the Second Committee Substitute to **HB 44** by Representative Haering is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 23, by deleting the words "Each sheet of the";

on lines 24 through 26, by deleting said lines in their entirety;

and on page 37, lines 1 and 2, by deleting said lines in their entirety.

The Floor Amendment No. 11 to the Second Committee Substitute to **HB 44** by Representative Wright is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 2, line 9, by deleting the words "excluding new property and";

Delete line 10;

on line 11, delete "KRS 132.425],";

on line 12, add "." after the word "year" and delete the words "from real";

on line 13, delete "property [1971]";

Delete the rest of page 2;

Delete all lines on page 3;

Delete all lines down to line 12 on page 4;

on line 12, change *(9)* to *(7)*;

page 5, line 21, delete *(10)* and the brackets around (8);

page 6, line 26, delete *(11)* and brackets around (9);

page 7, line 23, delete *(12)* and the brackets around (10);

on line 26, delete *(13)* and the brackets around (11);

page 8, line 6, delete *(14)* and the brackets around (12);

on line 9, delete *(15)* and the brackets around (13);

page 12, line 9, after the word assessment, delete the words "by more than three percent (3%);

page 13, line 7, delete the words "exclusive of revenue from net assessment growth,";

on line 15, delete the words "exclusive of revenue from net";

on line 16, delete the words "assessment growth,";

page 13, add a bracket before (2) and delete the words on lines 19 (after 2) through 24;

on line 25, delete "(3) of this section" and the bracket before the word "For";

page 14, delete lines 3 through the rest of the page;

page 15, delete lines 1 through 26;

page 16, delete lines 1 through 25;

on line 5, delete the words ", exclusive of revenue from net assessment growth,"

page 17, line 13, delete ", exclusive of revenue from net assessment growth,";

on line 17, put a bracket before the number (2) and delete the rest of said line and delete lines 18 through 21;

on line 22, delete "3 of this section" and the bracket before the word "Notwithstanding";

page 18, delete lines 1 through 26;

page 19, delete lines 1 through 26;

page 21, delete lines 1 through 4;

page 22, delete line 2 and on line 3, delete the words "defined in KRS 132.010,";

on line 15, delete the word ", exclu-"; on line 16, delete the words "sive of revenue from net assessment growth as defined in"; on line 17, delete, "KRS 132.010,";

page 23, delete line 3 after the number (3) through line 10, on line 11, delete the number (4), on line 14, delete the letter (a) and on line 18, change ";" to ".";

page 23, delete lines 19 through the rest of the page;

page 24, delete lines 1 and 2 and the words "produced by each.", on line 3;

page 25, delete the lines 10 through 14;

on line 15, delete the number (6) and the brackets around (4), on line 22, delete the number (7) and the brackets around (5);

page 26, line 17, delete the number (8) and the brackets around (6) and on line 25, delete the number (9) and the brackets around (7);

page 27, delete lines 6 through 26;

page 28, delete lines 1 through 26;

page 29, delete lines 1 through 26;

page 30, delete lines 1 through 24

page 31, delete the comma at the end of line 3 and delete line 4, on line 5 delete the words "defined in KRS 132.010,", on line 12 delete the words "The property" and delete lines 13 through 25;

on line 26, delete the number (3) and the brackets around (2);

page 32, line 3, delete the letter (a) and delete lines 6 through the line after 11 and on line 13 delete all the words through the word "it";

page 34, delete lines 10 through the rest of the page;

page 35, delete lines 1 through 26;

page 36, delete lines 1 through 26;

page 37, delete lines 1 through 26;

page 38, delete lines 1 through 26

page 39, delete lines 1 through 26;

page 40, delete lines 1 through 5.

The Floor Amendment No. 12 to the Second Committee Substitute to **HB 44** by Representative DeFalaise is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 41, after line 13, by adding the following:

Section 10. KRS 132.450 is amended to read as follows:

(1) Each property valuation administrator shall assess at its fair cash value all property which it is his duty to assess except as provided in paragraph (g) of subsection (2) of this section. In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property. The property of one (1) person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The property valuation administrator shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2)(a) On or before April 1 of any year the owner or owners of land devoted exclusively to agricultural or horticultural use on which the property valuation administrator has placed a value in excess of the agricultural or horticultural value may file application for valuation at the agricultural or horticultural value with the property valuation administrator of the county in which the land is located, on forms prescribed by the department. This application shall be valid until the property is transferred or the land use is changed; however, the owner may elect to have the subject property assessed as other than agricultural or horticultural land for any year or years by filing a statement to that effect with the property valuation administrator prior to the close of the five (5) day period beginning on the first Monday in June. In determining the total area of such land, there shall be included the area of all land under farm buildings, greenhouses and like structures, lakes, ponds, streams, irrigation ditches and similar facilities, and garden plots devoted to growth of products for on-farm personal consumption but there shall be excluded, land used in connection with dwelling houses including, but not limited to, lawns, drives, flower gardens, swimming pools or other areas devoted to family recreation. Where contiguous land in agricultural or horticultural use in one (1) ownership is located in more than one county or taxing district, compliance with the minimum requirements shall be determined on the basis of the total area and income of such land and not the area or income of land which is located in the particular county or taxing district.

(b) Land devoted to agricultural or horticultural use, where the owner or owners have petitioned for, and been granted, a zoning classification other than for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(c) Real property devoted to agricultural or horticultural use by any corporation other than one organized primarily for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(d) When the use of a part of a tract of land which is valued and taxed as agricultural or horticultural land is changed either by conveyance or other action of the owner, the right of the remaining land to be retained in the agricultural or horticultural classification for assessment and taxation shall not be impaired provided it meets the minimum requirements for such classification, except that land on which there has been established a systematic pattern of change of use over a period of two (2) years is excluded from the provisions of paragraph (g) of this subsection.

(e) The owner or owners of land shall not be liable for deferred taxes for any year in which the land was not assessed for agricultural or horticultural use under the provisions of paragraph (g) of this subsection.

(f) Where a change in land use occurs in any tax year the owner of such land shall be subject to the deferred tax provisions of subsection (1) of KRS 132.454 for each of the preceding two (2) tax years in which the land was valued and taxed for agricultural or horticultural purposes.

(g) When in the opinion of the property valuation administrator any land on which an application has been filed, has a value in excess of that for agricultural or horticultural use the property valuation administrator shall enter into the tax records the value of the property according to its fair cash value. When the property valuation administrator determines that the land meets the requirements for valuation as agricultural or horticultural land, the valuation for tax purposes shall be its agricultural or horticultural value.

(h) When an application for valuation of property as agricultural or horticultural is denied, the property valuation administrator shall cause written notice to be served on the property owner in the manner provided by subsection (4) of this section. The property owner may appeal such ruling to the county board of assessment appeals as provided in KRS 133.120 or in the case of a city or special district to the appropriate appeals body for the city or district.

(3) Notwithstanding any statutory provisions to the contrary, the provisions of this section and KRS 132.454 shall apply to the assessment and taxation of agricultural or horticultural land for state, county, city or special district purposes. Any city may by ordinance establish additional tax procedures which will enable it effectively to administer the provisions of this section and KRS 132.454.

(4) If the property valuation administrator assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer or assesses unlisted property, the property valuation administrator shall serve notice on the taxpayer of such action. *The notice shall include an explanation of the assessment appeals process with instructions to the taxpayer concerning the time and manner in which he may apply for an assessment appeals hearing.* The notice shall be given by first-class mail or as provided in the Kentucky Rules of Civil Procedure.

On lines 14 and 26 on page 41 and on lines 3 and 5 on page 42, change the section numbers by moving each one to a greater number: 10 to 11; 11 to 12; 12 to 13; 13 to 14.

The Floor Amendment No. 13 to the Second Committee Substitute to **HB 44** by Representative Nett is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 33, by inserting after line 23, the following:

"*(b) County fiscal courts of counties containing a city of the first class proposing to levy a tax rate within the limits of subsection (1) of this section which exceeds the compensating tax rate defined in KRS 132.010, shall hold three (3) public hearings to hearing comments from the public regarding the proposed tax rate. The hearings shall be held in three (3) separate locations; each location shall be determined by dividing the county into three (3) approximately equal geographic areas, and identifying a suitable facility as near as possible to the geographic center of each area.*";

and on line 24, by renumbering subsection (b) as subsection (c);

and on page 34, line 17, by renumbering subsection (c) as subsection (d).

The Floor Amendment No. 14 to the Second Committee Substitute to **HB 44** by Representative Nett is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 36, lines 14 through 16, by deleting everything after the word "by" on line 14 through the word "election" on line 16 and substituting in lieu thereof the following: "ten percent (10%) of the registered voters".

The Floor Amendment No. 1 to Committee Substitute to **HB 68** by Representative Fitzgerald is as follows:

Amend printed copy of Committee Substitute to **HB 68**, page 12, line 26, by deleting the word "67" and substituting therefor the following: "65"

and on page 13, line 2, after the word "county" by inserting the following: "or city".

The Title Amendment to Committee Substitute to **HB 68** by Representative Fitzgerald is as follows:

Amend printed copy of Committee Substitute for **HB 68**, page 1, in the title, by deleting the word "county" and substituting therefor the following: "local".

The Floor Amendment No. 1 to **SB 11** by Representative Gray is as follows:

Amend printed copy of **SB 11**, page 1, line 14, after "department" by adding the following:

", except the unemployment insurance program";

Beginning on page 6, line 19 and ending on page 9, line 10, by deleting Section 7 in its entirety.

On page 9, line 11, by placing brackets around the number 8 and inserting *7* in lieu thereof;

On page 10, line 4, by placing brackets around the number 9 and by inserting *8* in lieu thereof;

On page 11, line 20, by placing brackets around the number 10 and by inserting *9* in lieu thereof;

and on line 25, by placing brackets around the number 11 and by inserting *10* in lieu thereof.

Recess

Representative B. Richardson moved that the House recess until 7:30 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Joint Session

Representative B. Richardson moved that the House and Senate resolve into Joint Session. Agreed.

The Speaker vacated the Chair, whereupon the Honorable Joseph W. Prather, President Pro Tempore of the Senate, assumed the Chair and called the Joint Session to order.

Representative B. Richardson moved that the Joint Session of the House and Senate dispense with the call of the roll. Agreed.

Prayer by Representative Louis Johnson, Owensboro, Kentucky.

The Committee of the House appointed to join with a like Committee of the Senate to wait upon the Governor and escort him to the House to address the Joint Session appeared with the Governor.

The President Pro Tempore of the Senate introduced Governor Julian M. Carroll.

Governor Carroll addressed the Joint Session of the General Assembly.

Representative B. Richardson moved the Joint Session of the General Assembly be dissolved. Agreed.

Adjournment

Representative B. Richardson moved that the House adjourn until 2 p.m., February 1, 1979.

On the roll call the vote was yeas 55-Adams, J. Allen, Arnold, Bendl, Bennett, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Jones, Kenton, Kidd, Layman, Lindsay, List, Little, Mann, Marcum, May, McBee, Noe, O'Brien, Pearman, Plummer, Priddy, Richards, B. Richardson, Romines, Siemens, R. Smith, Stone, Thomas, Tobin, Van Horn, Wilborn, Worthington. Nays 7-W. Allen, Davenport, Gay, Hurst, LeMaster, Overstreet, Patrick.

The motion to adjourn was adopted.

THURSDAY, FEBRUARY 1, 1979

TWENTIETH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

A musical devotion by the Temple Choir of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Blythe, Kleier and McBee.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Stone moved that the reading of the Journal of January 31, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HJR 43, by Representative J. Allen: A JOINT RESOLUTION directing the Energy Regulatory Commission to take certain actions with respect to the natural gas policy act of 1978.

HR 44, by Representatives Craddock and Kenton: A RESOLUTION honoring the Kentucky Federation of Business and Professional Women's Clubs.

HR 45, by Representative Plummer: A RESOLUTION to adjourn the House of Representatives in honor and memory of Woodrow Horsley.

HB 79, introduced Jointly by Representatives Guenthner and W. Allen and co-sponsored by Representatives DeMarcus, Gay, Haering, Holbrook, Holloway, Layman, Marcum, Overstreet, Patrick, Plummer, Rattliff, and Schmidt: AN ACT relating to the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities and appropriations therefor.

HB 80, by Representative Romines: AN ACT relating to state government.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Agriculture and Natural Resources: HCR 41.

State Government: HB 78.

Report of Committees

The Committee on Rules reported HB 68 and HCR 8 have been posted for passage in Orders of the Day, February 2, 1979.

The Committee on Rules reported that HB 63 has been recommitted to the Committee on State Government.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Counties and Special Districts: SB 16.

Agriculture and Natural Resources: HCR 41.

State Government: HJR 43.

Report of Committees (continued)

The Committee on Counties and Special Districts reported **SB 5**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 5, AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.150 is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Putting a prisoner charged with an offense or contempt in irons, or to secure his safekeeping in the jail, besides the cost of irons .... $ .50

Keeping and dieting prisoners in jail when confined for an offense or contempt, per day ...... *$6.75*[$5.75]

Imprisoning and releasing a prisoner charged with an offense or contempt .... $ .75

Attending district or circuit court, per day (jailer shall be paid the fee for each day a prisoner is transported to court) $6.00

Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for an offense and contempt.

(2) The unit of government whose law, statute, ordinance, or code a prisoner is charged with or convicted of violating shall be responsible for paying to the jailer the fees provided in subsection (1) of this section. In the event of a person imprisoned for contempt of court, the state shall be deemed the responsible unit of government. Where a person is detained other than for violation of a law or for contempt the unit of government requesting the service of the jailer shall pay to the jailer the fees provided in subsection (1) of this section.

(3) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

(4) If a court sends a prisoner to a jail of another county, then the treasurer of the unit of government from which the prisoner was sent shall pay the treasurer of the holding county any fees to which the jailer of the holding county is entitled to by law.

Section 2. KRS 441.010 is amended to read as follows:

(1) The county governing body shall prescribe rules for the government and cleanliness of the county jail and the comfort and treatment of prisoners. The county judge/executive shall inspect the jail at least once each month.

(2) Wilful violation of the rules promulgated pursuant to subsection (1) of this section shall be deemed a violation.

(3) If a prisoner in the county jail needs medical care and is a needy person, the unit of government shall pay for his medical expenses, except that any payment for medical care for prisoners of the United States government shall be governed by federal law. The determination of whether or not a person is a needy person shall be made pursuant to KRS 31.120. Such determination may be made after medical care is given if a licensed physician determines that medical care should not be delayed. The unit of government shall not pay for medical care which could be postponed until after the period of confinement without hazard to the needy person. Only a licensed physician may determine that medical care can be postponed without hazard.

Section 3. Because many county governments have medical bills for needy prisoners which are past due, and for which there are no funds available, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

The Committee Substitute to **SB 5** is as follows:

SB 5, AN ACT relating to jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.150 is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Putting a prisoner charged with an offense or contempt in irons, or to secure his safekeeping in the jail, besides the cost of irons .... $ .50

Keeping and dieting prisoners in jail when confined for an offense or contempt, per day ...... *$6.75*[$5.75]

Imprisoning and releasing a prisoner charged with an offense or contempt .... $ .75

Attending district or circuit court, per day (jailer shall be paid the fee for each day a prisoner is transported to court) $6.00

Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for an offense and contempt.

(2) The unit of government whose law, statute, ordinance, or code a prisoner is charged with or convicted of violating shall be responsible for paying to the jailer the fees provided in subsection (1) of this section. In the event of a person imprisoned for contempt of court, the state shall be deemed the responsible unit of government. Where a person is detained other than for violation of a law or for contempt the unit of government requesting the service of the jailer shall pay to the jailer the fees provided in subsection (1) of this section.

(3) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

(4) If a court sends a prisoner to a jail of another county, then the treasurer of the unit of government from which the prisoner was sent shall pay the treasurer of the holding county any fees to which the jailer of the holding county is entitled to by law.

The Committee on State Government reported **HB 63**, with Committee Amendment attached thereto with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Amendment to **HB 63** is as follows:

Amend printed copy of **HB 63**, page 4, by deleting lines 19 through 26 in their entirety; and

on page 5, by deleting lines 1 through 14 in their entirety; and

on page 5, line 15, by changing "Section 5" to "Section 3".

The Committee on State Government reported **HB 73** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 73, AN ACT relating to purchasing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS 45.365 IS REENACTED TO READ AS FOLLOWS:

(1) The executive department for finance and administration shall include in all state agency price contracts for the purchase of materials or supplies a provision that, as approved by the secretary of the executive department for finance and administration, any political subdivision, including cities of all classes, counties, school districts or special districts, may participate in such contracts to the same extent as the Commonwealth. Any political subdivision may purchase materials and supplies pursuant to a contract for such supplies and materials entered into by the executive department for finance and administration for the Commonwealth, including those contracts negotiated by the executive department for finance and administration with vendors who maintain a general service administration price agreement as provided in subsection (2) of KRS 45.360. Where other provisions of the Kentucky Revised Statutes require that political subdivisions of the Commonwealth purchase by competitive bidding, such political subdivisions must comply with the applicable statute before participating in the contract, unless the state contract has been let by competitive bidding, or the contract was negotiated as provided in subsection (2) of KRS 45.360.

(2) The executive department for finance and administration shall inform the appropriate purchasing agent of each political subdivision, interested in participating under this section, of all state agency contracts in effect between the Commonwealth and vendors.

(3) The secretary of the executive department for finance and administration shall promulgate the rules and regulations necessary for the implementation of this section and necessary to provide that the Commonwealth be reimbursed for any additional expenses incurred by the Commonwealth in allowing political subdivisions to participate in contracts with vendors.

(4) The executive department for finance and administration shall comply with all provisions relating to the methods of purchasing in the Kentucky Revised Statutes. This section is not intended to repeal or otherwise affect any provision of the Kentucky Revised Statutes regarding purchasing methods of the executive department for finance and administration.

SECTION 2. Section 1 of this Act is repealed effective January 1, 1980.

SECTION 3. Whereas, by 1978 Acts Chapter 110, KRS 45.365 was repealed effective January 1, 1979 but was not replaced by new cooperative purchasing procedures until January 1, 1980; and whereas the lack of a state and local government cooperative purchasing law will substantially increase the bid advertising expenses and other purchasing costs of local government, an emergency is declared to exist and Section 1 of this Act shall become effective upon its passage and approval by the Governor and shall be retroactive to January 1, 1979.

The Committee on State Government reported **SB 9**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 9, AN ACT relating to state police officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 16.010 TO 16.500 IS CREATED TO READ AS FOLLOWS:

Any state police officer (as defined in KRS 16.010) who becomes disabled after July 1, 1977, as a direct result of an injury or disease arising out of and in the course of employment with the bureau may elect to be retained on the regular payroll of the bureau of state police subject to the following:

(1) Compensation paid to the officer by the bureau shall be adjusted and maintained at the officer's regular rate of pay based upon the officer's rank and tenure with the bureau, and shall include annual increments, salary adjustments, and other benefits of employment, provided, however, such compensation paid to the officer by the bureau shall be reduced by the amount of payments received by the officer from workmen's compensation insurance, social security benefits and other federal or state financed disability programs designed to supplement the officer's income for which the officer is qualified and elects participation. Final compensation shall not be reduced by payments for medical care. The disabled officer's regular rate of pay, without the reductions required by this subsection, shall be his creditable compensation for purposes of KRS 16.505 to 16.652.

(2) Such officer shall be assigned by the commissioner of the bureau of state police to a position in the bureau for which he is qualified, if the commissioner determines, based upon medical reports and recommendations submitted for that purpose, that the officer is able to perform limited duties. If it is determined that the officer is able to perform limited duties and refuses to accept an assignment from the commissioner, the officer shall not be eligible for the payment of compensation authorized by this section. If the commissioner determines that the officer is unable to perform limited duties, the officer shall be eligible for the payment of compensation authorized by this section without the performance of limited duties.

(3) Payments made pursuant to this section shall continue until the officer is eligible for normal retirement allowances pursuant to KRS 16.576 or until the officer elects early retirement allowances pursuant to KRS 16.577 or disability retirement allowances pursuant to KRS 16.581 or KRS 16.591. If the officer receives pre-retirement payments under this section or Section 2 of this Act and subsequently elects disability retirement, the effective date of his disability retirement shall be the first month following the month in which the officer last receives pre-retirement payments under this section or Section 2 of this Act, KRS 16.505(16) to the contrary notwithstanding.

SECTION 2. A NEW SECTION OF KRS 16.010 TO 16.500 IS CREATED TO READ AS FOLLOWS:

Prior to his retirement under KRS 16.505 to 16.652, any state police officer (as defined in KRS 16.010) who became disabled on or before July 1, 1977, as a result of an injury or disease arising out of and in the course of his employment with the bureau may elect benefits under Section 1 of this Act, if he qualifies therefor, or he may elect to continue receiving pre-retirement benefits otherwise available to him due to the disability.

Section 3. KRS 16.581 is amended to read as follows:

(1) In the event disability is total and permanent as provided in KRS 16.580 and occurs on or after July 1, 1968 as a direct result of an "act in line of duty," the member in service *may* [shall] retire on his disability retirement date and shall be eligible to receive retirement benefits as follows:

(a) For the disabled member benefits as provided under subsection (2) of this section, except that there shall be no service requirement for eligibility except that the member be employed and the monthly retirement allowance payable shall not be less than twenty-five per cent (25%) of the member's monthly final rate of pay.

(b) For each dependent child of the member on his disability retirement date, who is alive at the time any particular payment is due a monthly payment equal to ten per cent (10%) of the disabled member's monthly final rate of pay, however, total maximum dependent children's benefits shall not be greater than forty per cent (40%) of the member's monthly final rate of pay.

(2) In the event disability is total and permanent as provided in KRS 16.580 and is not a direct result of an "act in line of duty," the member in service with five (5) years of service credit shall retire on his disability retirement date and shall be eligible to receive benefits under subsections (3) to (4) of KRS 16.576 except that service credit shall be added to the member's total service beginning with his last date of paid employment and continuing to his fifty-fifth (55th) birthday, however, the maximum service credit added shall not exceed the total service the member had upon his last day of paid employment, and the maximum combined service credit for calculating his disability retirement allowance, including total service and added service shall not exceed twenty (20) years, except when the member has accumulated total service of twenty (20) or more years his total service shall be used in computing disability benefits.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five (55) or over.

(4) In lieu of the allowances provided by subsection (1) of this section, the member may be retained on the regular payroll and receive the compensation authorized by Section 1 of this Act, if he qualifies therefor.

Section 4. KRS 16.591 is amended to read as follows:

(1) In the event disability is partial as provided in subsections (1) and (2) of KRS 16.586 and as determined by the board, a member shall be eligible to receive benefits under subsection (2) of KRS 16.581 except that the monthly retirement allowance shall be reduced by his disability ratio.

(2) In event disability is partial as provided in subsection (3) of KRS 16.586 and as determined by the board, the retirement allowance of such member shall be reduced by his disability ratio. Reduced payments shall begin in the month following the termination of payments under total and permanent disability.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five (55) or over.

(4) In lieu of the allowances provided by subsections (1) and (2) of this section, the member may be retained on the regular payroll and receive the compensation authorized by Section 1 of this Act, if he qualifies therefor.

The Committee Amendment to **SB 9** is as follows:

Amend printed copy of **SB 9**, page 1, after "SECTION 1. A NEW SECTION OF KRS 16.010 TO 16.500 IS CREATED TO READ AS FOLLOWS:" insert:

"(1) As used in this section, "injury or disease arising out of a hazardous duty" means an injury or disease arising from:

(a) pursuit of a suspected violator of a state or federal law; or

(b) response to an emergency call; or

(c) criminal assault upon the officer; or

(d) motor vehicle accidents involving an officer while on routine patrol." and

on page 1, line 3, insert "(2)" before "Any"; and

on page 1, line 5, delete "and" and insert in lieu thereof "in the performance of a hazardous duty"; and

on page 1, line 9, change "(1)" to "(a)"; and

on page 2, line 4, change "(2)" to "(b)"; and

on page 2, line 17, after "limited duties." insert the following:

"Any officer adversely affected or aggrieved by a final determination of the commissioner pursuant to this section may appeal within thirty (30) days to the Franklin Circuit Court."; and

on page 2, line 18, change "(3)" to "(c)"; and

on page 3, line 10, delete "and" and in lieu thereof insert "in the performance of a hazardous duty".

Motions, Petitions and Communications

Representative B. Richardson moved that the rules be suspended to allow the one day posting requirement be waived for the Committee on Agriculture and Natural Resources. Agreed.

The Clerk announced the following meetings: Committee on Agriculture and Natural Resources, upon recess in Room 305; Committee on Health and Welfare, upon recess in Room 307.

Recess

Representative B. Richardson moved that the House recess for five minutes for Committee meetings. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative McBee moved that the rules be suspended for the purpose of Posting of Bills and Resolutions. Agreed.

Posting of Bills and Resolutions for Consideration (continued)

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Public Utilities and Transportation: **HB 65**.

State Government: **HB 78.**

Motions, Petitions and Communications (continued)

Representative Boswell moved the adoption of the following Legislative Citation No. 23:

The House of Representatives hereby recognizes the Corydon Lions Club for its many past contributions to the well-being of all citizens of Henderson County. For its outstanding civic achievements, this body extends its congratulations. (Sponsored by Representative Boswell)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 24:

The House of Representatives hereby recognizes the Sturgis Jaycees for their service to the young men of Sturgis and the contributions which they make to their community. This body commends and congratulates these very active civic-minded citizens. (Sponsored by Representative Boswell)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 25:

The House of Representatives hereby recognizes the Sturgis Kiwanis Club for its outstanding civic achievements and its contributions to the community. Best wishes and congratulations are sent to this well-known service organization. (Sponsored by Representative Boswell)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 41:

The House of Representatives hereby honors Donna Graham and Warren McReynolds, Lewisburg, Kentucky, for their diligent efforts in the production of the Lewisburg Christmas Parade, the feature attraction of the season in Western Kentucky. We commend them for their work on this successful event. (Sponsored by Representative Foster)

Agreed.

Representative Boswell moved the adoption of the following Legislative Citation No. 44:

The House of Representatives hereby recognizes the Owensboro Hydrofair, Inc., for its promotion of tourism in Owensboro and Daviess County. Its sponsorship of the annual Hydrofair has brought nation-wide recognition to the Commonwealth. We commend this group for the outstanding work which it has done and wish them continued success. (Sponsored by Representative Boswell)

Agreed.

Representative Riner moved the adoption of the following Legislative Citation No. 39:

The House of Representatives hereby honors State Representative and Mrs. Carl A. Nett, who on January 31, 1979 became the proud parents of a lovely little miss. We hereby congratulate and pray God's richest blessing on their first daughter. (Sponsored by Representative Riner)

Agreed.

Representative Riner moved the adoption of the following Legislative Citation No. 40:

The House of Representatives hereby commends the Rev. Lester Roloff of Corpus Christi, Texas, who has devoted half a century to rehabilitating thousands of young people from a life of crime and drugs to serving Jesus Christ and whereas Lester Roloff has demonstrated unflinching devotion to God and Country and has rightly resisted the imposition of the ungodly and unlawful creeds of secular humanism upon children, be it resolved that Lester Roloff be commended as an outstanding champion of the highest law of the land - the law of God. (Sponsored by Representative Riner)

Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors and joint sponsors. Agreed.

Representative Boswell moved that all properly filed Co-sponsor or Joint-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative White, HR 35; Representative May, HR 35; Representative Mann, **HB 58**; Representative McBee, **HB 58** and **HB 50**; Representative F. Smith, **HR 26** and **HR 33**; Representative Friebert, **HB 29**; Representative Craddock, **HB 40**; Representative Donnermeyer, **HR 19**; Representative Friebert, **HB 30**, **HB 77**, **HB 2**, **HB 61**; Representative Hurst, **HR 22**.

The following member filed a request to have his name added as a joint sponsor of Bills and Resolutions: Representative Romines, **HB 51**, **HB 52**.

The following member filed a request to have his name withdrawn as a co-sponsor of Bills and Resolutions: Representative Schmidt, **HCR 21**.

Representative Craddock moved to suspend the rules to act on a Resolution. Agreed.

Representative Craddock moved the adoption of the following **HR 44**:

HR 44, A RESOLUTION honoring the Kentucky Federation of Business and Professional Women's Clubs.

WHEREAS, national statistics indicate we are saving one of three cancer patients today, and it is projected that we could save one of two cancer patients if current knowledge and methods were applied rapidly and properly; and

WHEREAS, the contribution of funds by the Kentucky Federation of Business and Professional Women's Clubs to the state's two cancer research centers will facilitate the transference of our current knowledge to the citizens of the Commonwealth; and

WHEREAS, cancer is generally recognized as the number one health concern of Kentuckians, that two of every three families have been victimized by this dread disease, that one of four Kentuckians alive today will become afflicted with cancer during his or her lifetime, and it is estimated that 7,000 Kentuckians will die from cancer in this single year;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That this body congratulates the Kentucky Federation of Business and Professional Women's Clubs for its pioneering effort in initiating a three-year project to raise $100,000 for the state's two cancer research centers at the J. Graham Brown Cancer Research Foundation in Louisville and the Ephraim McDowell Cancer Research Foundation in Lexington, and wishes the federation the best for a successful undertaking.

Section 2. That the Clerk transmit a copy of this resolution to the Kentucky Federation of Business and Professional Women's Clubs.

HR 44 was adopted by voice vote.

Representative Plummer moved to suspend the rules to act on a Resolution. Agreed.

Representative Plummer moved the adoption of the following **HR 45**.

HR 45, A RESOLUTION to adjourn the House of Representatives in honor and memory of Woodrow Horsley.

WHEREAS, Woodrow Horsley devoted his life to the preservation of our natural resources, appropriately and affectionately becoming known as "Mr. Conservation"; and

WHEREAS, Woodrow Horsley was instrumental in the establishment of the Alum City Conservation Club, the Trinity Club, the Greenup County Game and Fish Association, the Soldier Kentucky Conservation Club, and the Northeastern Lewis County Wildlife Protection Association, to name but a few; and

WHEREAS, Woodrow Horsley served as Secretary of the Alum City Conservation Club for eight years and as President of the Club for one year after losing his eyesight; and

WHEREAS, Woodrow Horsley has been the honored recipient of many distinguished awards including "Sportsman of the Year Award" from the Eighth District for the years of 1967 and 1974, as well as, the Sears and Roebuck Award from the League of Kentucky Sportsmen for striving to protect and promote the conservation of natural resources;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, it does so in honor and memory of Woodrow Horsley.

Section 2. That the clerk be directed to transmit a copy of this resolution to the family of Woodrow Horsley.

HR 45 was adopted by voice vote.

Representative LeMaster announced a meeting of the Committee on Judiciary-Statutes upon adjournment in Room C.

Representative Boswell moved the adoption of the following Legislative Citation No. 43:

The House of Representatives hereby commends the Southtown Kiwanis Club, Owensboro, Kentucky for its service to the youth of the community. This outstanding organization sponsors an annual exposition with proceeds going for scholarship to benefit area young people. Best wishes are sent for the continuing success of this group's activities. (Sponsored by Representative Boswell)

Agreed.

Representative Foster moved the adoption of the following Legislative Citation No. 42:

The House of Representatives hereby commends the Lewisburg, Kentucky Lions Club for the great civic work which it does for the community and county, especially its work in sight conservation, its sponsorship of Little League basketball teams and the annual Christmas Parade, and its efforts on behalf of the formation of the Lewisburg City Park. We congratulate this outstanding organization for taking the lead in any civic improvement. (Sponsored by Representative Foster)

Agreed.

Representative Blandford moved to suspend the rules to consider **HR 22**. Agreed.

Representative Blandford moved the adoption of the following **HR 22**:

HR 22, A RESOLUTION opposing the programs of Secretary Joseph A. Califano which are antagonistic to the tobacco industry.

WHEREAS, the cash receipts to Kentucky tobacco growers from the annual sale of tobacco is more than $600,000,000; and

WHEREAS, tobacco accounts for more than 50 percent of the total annual cash receipts from the sale of all crops grown in Kentucky; and

WHEREAS, the state revenue from the state cigarette tax is about $25,000,000 annually; and

WHEREAS, the federal tax on tobacco brings in about $2,500,000,000 each year in federal revenue; and

WHEREAS, Joseph A. Califano, the Secretary of the U. S. Department of Health, Education, and Welfare has instituted programs detrimental to Kentucky's tobacco economy and to the overall economy of the state;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives is opposed to the programs instituted by Secretary Joseph A. Califano, of the U. S. Department of Health, Education, and Welfare, which are antagonistic to the state's tobacco economy.

Section 2. That copies of this resolution be sent to Secretary Califano, to Kentucky's Congressional Delegation, to the Secretary of the U. S. Department of Agriculture, to the Governor of the Commonwealth, and to the Commissioner of the Kentucky Department of Agriculture.

HR 22 was adopted by voice vote.

Representative Richards moved to suspend the rules to act on a Resolution. Agreed.

Representative Richards moved the adoption of the following **HR 25**:

HR 25, A RESOLUTION honoring Dero G. Downing.

WHEREAS, Dero G. Downing has served Western Kentucky University in many roles for more than thirty-five years, culminating in his serving as president of that institution for nine years; and

WHEREAS, Dr. Downing has been totally dedicated to that great institution of higher learning, giving a measure of his time, thoughts and abilities that exceeded the call of duty; and

WHEREAS, Dr. Downing has gained the respect, confidence and devotion of the citizens of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does commend and thank Dr. Downing upon the completion of many years of service and wish the best to him, his wife Harriet, and their family upon Dr. Downing's retirement.

Section 2. That the Clerk forward a copy of this resolution to Dr. Downing.

HR 25 was adopted by voice vote.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue in Room A fifteen minutes after adjournment.

Orders of the Day

SB 8, with Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of Floor Amendment No. 1 to **SB 8**.

On the roll call the vote was yeas 54-Adams, J. Allen, Arnold, Beshear, Blandford, Boswell, Brinkley, Bruce, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Holbrook, Isler, Kenton, Layman, LeMaster, Little, Marcum, Maynard, McBee, McKinney, McNutt, Morris, Noe, Pearman, Petty, Rattliff, Richards, B. Richardson, Riner, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Van Horn, Weinberg, White, Wilborn, Worthington, Yates. Nays 22-Bennett, Brown, Burnette, DeFalaise, DeMarcus, Haering, Hancock, Head, Hurst, Jones, Kidd, Lindsay, List, O'Brien, Patrick, Plummer, Priddy, Robinson, R. Smith, Robin, Turner, Wright.

Floor Amendment No. 1 to **SB 8** was adopted.

Representative B. Richardson moved that **SB 8**, as amended, be passed.

On the roll call the vote was yeas 81-Adams, J. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Dunn, Foster, Freibert, Gay, Gray, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Lindsay, Marcum, May, Maynard, McBee, McNutt, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-W. Allen.

SB 8, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 8**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

Announcing passage of **SB 36**.

Orders of the Day (continued)

HB 51, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hancock moved that **HB 51** be passed.

Representative Riner moved the adoption of Floor Amendment No. 3 to **HB 51**.

On the roll call the vote was yeas 43-W. Allen, Benson, Brown, Bruce, Burch, Burnette, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Freibert, Gay, Gray, Guenthner, Haering, Holbrook, Holloway, Imes, Kidd, List, Marcum, May, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Schmidt, F. Smith, R. Smith, Stewart, Stone, Turner, Weinberg, Williams, Wright. Nays 43-Adams, J. Allen, Arnold, Bendl, Bennett, Blandford, Brinkley, Clapp, Clarke, Craddock, Crupper, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Hurst, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, Little, McBee, McNutt, Nett, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, Thomas, Tobin, Van Horn, Wells, Wilborn, Worthington.

Floor Amendment No. 3 to **HB 51** was rejected.

Representative Riner moved the adoption of Floor Amendment No. 2 to HB 51 and requested a roll call vote.

Representative Fitzgerald objected on the grounds that Floor Amendment No. 2 contained the same language as Floor Amendment No. 3.

The Chair ruled Floor Amendment No. 2 out of order.

Representative Van Horn moved that the vote on Floor Amendment No. 3 to **HB 51** be reconsidered.

The Chair ruled the motion failed for lack of a second by a member voting on prevailing side.

Representatives Van Horn and Riner appealed the ruling of the Chair.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp presiding.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boswell, Brinkley, Bruce, Clapp, Clarke, Craddock, Crupper, Cyrus, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Weinberg, Wells, Wilborn, Williams, Worthington, Yates. Nays 21-W. Allen, Burnette, Davenport, Dawahare, DeFalaise, Haering, Holbrook, Layman, Marcum, Maynard, McKinney, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Schmidt, Van Horn, Wright.

The ruling of the Chair was upheld.

The Speaker Pro Tempore Clapp vacated the Chair.

The Speaker resumed the Chair.

Representatives Van Horn and Riner appealed the ruling of the Chair that a second to a motion must be made by a member voting on the prevailing side.

The Speaker vacated the Chair.

Speaker Pro Tempore Clapp presiding.

The Speaker Pro Tempore ruled the appeal out of order.

Representatives Overstreet and Guenthner appealed the ruling of the Chair.

On the roll call the vote was yeas 60-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Boswell, Brinkley, Bruce, Clapp, Clarke, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, May, McBee, McNutt, Morris, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Siemens, F. Smith, Stone, Tobin, Turner, Weinberg, Wells, Wilborn, Williams, Worthington, Yates. Nays 23-W. Allen, Burnette, Davenport, Dawahare, DeFalaise, Guenthner, Haering, Holbrook, Layman, Marcum, Maynard, McKinney, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Schmidt, Freibert, Van Horn, Wright.

The ruling of the Chair was upheld.

Representative Van Horn moved that the rules be suspended to change his vote on Floor Amendment No. 3 to **HB 51**.

On the roll call the vote was yeas 34-W. Allen, Arnold, Brinkley, Bruce, Burch, Burnette, Dawahare, DeFalaise, Freibert, Gray, Guenthner, Haering, Holbrook, Johnson, Layman, Marcum, May, Maynard, McKinney, Morris, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Schmidt, Stone, Tobin, Van Horn, Weinberg, White, Wright. Nays 39-Adams, J. Allen, Bendl, Bennett, Blandford, Boswell, Clapp, Clarke, Cyrus, Davenport, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Hancock, Head, Hines, Hurst, Isler, Jones, Kenton, Kidd, Lindsay, List, McBee, McNutt, Petty, Priddy, Richards, B. Richardson, P. Richardson, Sale, Thomas, Turner, Wells, Wilborn, Yates.

The motion that the rules be suspended was rejected.

On the roll call the vote was yeas 88-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Williams, Worthington, Wright, Yates. Nays 2-McNutt, Wilborn.

HB 51 was passed.

Representative Hancock moved the adoption of the Title Amendment No. 2 to **HB 51**. Agreed.

Representative Hancock moved that the vote by which **HB 51**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

A Discharge Petition was filed in regard to **HB 48**.

Orders of the Day (continued)

HB 52, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of Committee Amendment No. 1 to **HB 52**. Agreed.

Representative Fitzgerald moved that **HB 52**, as amended, be passed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 52, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 52**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved to suspend the rules for the purpose of Report of Committees, Posting of Bills and Resolutions, Reference of Bills and Resolutions, and Announcements. Agreed.

Representative B. Richardson moved that no further business be conducted on this day other than the aforementioned. Agreed.

Representative B. Richardson moved that when the House does adjourn, they will do so until 10 a.m., February 3, 1979. Agreed.

Representative B. Richardson moved that when the House does adjourn, it will do so by voice vote. Agreed.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Report of Committees (continued)

The Committee on Rules reported **HB 44, HB 62** and **HB 63** have been posted for passage in Orders of the Day, February 2, 1979.

Reference of Bills and Resolutions (continued)

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

State Government: **HJR 43.**

Report of Committees (continued)

The Committee on Agriculture and Natural Resources reported **HCR 41** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 41, A CONCURRENT RESOLUTION requesting that state and federal agencies proceed with the utmost urgency to obtain funds to clean up existing hazardous waste dumps;

WHEREAS, in recent weeks the existence of several hazardous waste chemical dumps in Jefferson and Bullitt Counties has been brought to the attention of the public; and

WHEREAS, one site in Bullitt County known as the "Valley of the Drums" may have anywhere from 20,000-100,000 steel drums of hazardous and toxic wastes on the premises; and

WHEREAS, cleanup of just this one site may run in the millions of dollars and there is not currently any immediate source of funding for cleanup; and

WHEREAS, these sites have the potential for contamination of land and water resources in the area and are potential public health hazards; and

WHEREAS, delay in cleanup of these sites further increases the risk to public health and safety and environmental contamination;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Federal Environmental Protection Agency (EPA) and the State Department for Natural Resources and Environmental Protection be requested to proceed with the utmost urgency to obtain sources of funding to clean up the existing hazardous waste dumps.

Section 2. That Congress be requested to give attention to the immediate need for funding to clean up existing hazardous waste dumps.

Section 3. That copies of this resolution be sent to the Administrator of the Federal Environmental Protection Agency, to Kentucky's Congressional delegation, to the Secretary of the Kentucky Department for Natural Resources and Environmental Protection, and to the Governor.

The Committee on Health and Welfare reported **HB 47**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 47, AN ACT relating to mobile homes and recreational vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 227.550 is amended to read as follows:

As used in KRS 227.560 to 227.660 and 227.992, unless the context requires a different definition:

(1) "Mobile home" means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose

of use as a place of residence, business, profession, or trade by the owner, lessee or their assigns and which can be connected to electric, water, gas, sewage and telephone facilities. It may consist of one or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include housetrailers which are regulated as to length, width and registration by KRS chapter 186.

(2) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: Travel trailer, camping trailer, truck camper and motor home.

(a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and or such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than 220 square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms

(b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

(c) Truck campers: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

(d) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

(3) "Seal" means a device or insignia issued by the office to indicate compliance with the standards, rules and regulations established by the office or the board for mobile homes and recreational vehicles.

(4) "Class B seal" means a seal issued pursuant to subsection (3) of KRS 227.600.

(5) "Dealer" means any person, other than a manufacturer, as defined herein, firm or corporation, who sells or offers for sale three (3) or more mobile homes or recreational vehicles in any consecutive twelve (12) month period.

(6) "Manufacturer" means any person who manufactures mobile homes or recreational vehicles and sells to Kentucky dealers *or manufactures mobile homes in this state.*

(7) "Office" means the office of the state fire marshal.

(8) "Board" means the mobile homes certification and licensure board or the recreational vehicle certification and licensure board.

(9) "NFPA 501(B)" means that section of the national fire code adopted by the National Fire Protection Association that pertains to standards for mobile homes.

(10) "NFPA 501(C)" means that section of the national fire code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.

(11) "Established place of business" means a fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a dealer, which shall include the books, records, files and equipment necessary to properly conduct such business, or a building having sufficient space therein in which the functional duties of a dealer may be performed. The place of business shall not consist of a residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.

(12) "Secretary" means the secretary of the federal department of housing and urban development.

(13) "Federal act" means the National Mobile Home Construction and Safety Standard Act of 1974 and rules and regulations issued thereunder.

Section 2. KRS 227.620 is amended to read as follows:

(1) No dealer shall engage in business as such in this state without a license therefor as provided in KRS 227.550 to 227.660.

(2) Application for license shall be made to the office at such time, in such form and contain such information as the office shall require and shall be accompanied by the required fee. The office may require in such application, or otherwise, such information as it deems commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by the office in determining the fitness of said applicant to engage in business as set forth in KRS 227.550 to 227.660.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee for such calendar year or part thereof shall be established by the board, subject to the following maximums:

(a) For manufacturers a "certificate of acceptability" shall be subject to a maximum of $500.

(b) For dealers the maximum license fee shall be $250 for each established place of business.

(c) The fee for a "seal of approval" and a "Class B seal" shall be established by the board subject to a maximum of $25 per seal.

(d) The office may establish a monitoring inspection fee in an amount established by the secretary. This monitoring inspection fee shall be an amount paid by each mobile home manufacturer in this state for each mobile home produced by the manufacturer in this state. The monitoring inspection fee shall be paid by the manufacturer to the secretary or the secretary's agent, who shall distribute the fees collected from all mobile home manufacturers among the states approved and conditionally-approved by the secretary based on the number of new mobile homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state, and the extent of participation of the state in the joint team monitoring program established under the National Mobile Home Construction and Safety Standards Act of 1974.

(5) All revenues raised through the provisions of subsection (4), *paragraphs (a), (b), and (c),* of this section shall be used solely for the purpose of carrying out the provisions of KRS 227.550 to 227.660. At the close of each fiscal year all unencumbered revenues raised through the provisions of KRS 227.550 to 227.660 and 227.992 shall lapse and revert to the general fund of the treasury of the Commonwealth.

(6) The licenses of dealers shall specify the location of the established place of business and must be conspicuously displayed there. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(7) Every dealer licensed in accordance with the provisions of this section shall make reports to the office at such intervals and showing such information as the office may require.

(8) Each manufacturer, distributor, and dealer of mobile homes shall establish and maintain such records, make such reports, and provide such information as the office or the secretary may reasonably require to be able to determine whether such manufacturer, distributor, or dealer has acted or is acting in compliance with this article, or the Act and shall, upon request of a person duly designated by the office or secretary, permit such person to inspect appropriate books, papers, records and documents relevant to determining whether such manufacturer, distributor, or dealer has acted or is acting in compliance with this Act or the federal act.

Section 3. KRS 227.650 is amended to read as follows:

(1) The office is empowered to inspect all mobile homes and recreational vehicles for which it has issued a seal of approval.

(2) The office may establish and require such training programs in the concept, techniques, and inspection of mobile homes and recreational vehicles for the personnel of local governments, as the office considers necessary.

(3) The staff of the agency, upon showing proper credentials and in the discharge of their duties pursuant to this Act or the federal act, is authorized with the consent of the manufacturer or by proper warrant to enter and inspect all factories, warehouses, or establishments in this state in which mobile homes are manufactured.

Section 4. KRS 227.990 is amended to read as follows:

(1) Except for mobile homes manufactured under the federal act, any person who violates any provision of this chapter or any provision of a lawful order, rule or regulation made under the provisions of this chapter, or who induces another to violate any provisions of this chapter or of any lawful order, rule or regulation made thereunder, upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000), or confined in the county jail for not more than sixty (60) days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

(2) Any person who, for mobile homes manufactured under the federal act, violates any provision of this Act or any regulation or final order issued thereunder shall be liable for a civil penalty not exceed one thousand dollars for each such violation. Each violation of a provision of the Act or any regulation or order issued thereunder shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars ($1,000,000) for any related series of violations occurring within one year from the date of the first violation.

(3) Any individual, or a director, officer or agent of a corporation who knowingly and wilfully violates the federal act or this Act in a manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than one year in the county jail, or both.

The Committee Amendment to **HB 47** is as follows:

Amend printed copy of **HB 47**, page 7, line 13, by deleting the word "*article*" and inserting in lieu thereof the word "*Act*"

and by inserting after the word "*the*" and before the word "*Act*" the word "*federal*"

And by deleting the capital "*A*" in the word "*Act*" and inserting in lieu thereof a lower case "*a*"

And on page 8, line 3, by deleting the word "*agency*" and inserting in lieu thereof the word "*office*".

Announcements

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue upon adjournment, February 3, 1979.

The Speaker announced a meeting of the Committee Chairman in Room 307 upon adjournment.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 15 to the Second Committee Substitute to **HB 44** by Representative DeFalaise is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 15, line 22, by deleting the words "*four percent (4%) over*"

and line 24 by deleting the words "*recall vote or recon*"

and line 25 by deleting line 25 in its entirety

and line 26 by deleting the word "*be*" and adding in its place the words "*a referendum*".

Page 16, line 9, by deleting the words "*four percent (4%) over*"

and line 17 by deleting the word "*in*"

and line 18 by deleting the words "*excess of four percent (4%)*"

and line 20 by deleting the word "*recall*" and adding in its place the words "*a referendum*".

Page 19, line 18, by deleting the words "*four percent (4%) over*"

and line 20 by deleting the words "*recall vote or reconsideration by the taxing*"

and line 21 by deleting the words "*district, such as the case may be,*" and adding in their place the word "*referendum*".

Page 20, line 3, by deleting the words "*four percent (4%) over*"

and line 11 by deleting the words "*in excess of four*"

and line 12 by deleting the words "*percent (4%)*"

and line 13 by deleting the word "*recall*" and adding in its place the words "*a referendum*".

Page 23, line 12 through 17, by deleting said lines in their entirety

and line 18 by deleting the words "*produced by each*".

Page 28, line 19, by deleting the words "*four percent (4%) over*"

and line 21 by deleting the words "*recall vote or reconsideration by the dis-*"

and line 22 by deleting the words "*trict board of education, such as the case may be,*" and adding in their place the word "*referendum*".

Page 29, line 6, by deleting the words "*four percent (4%) over*"

and line 15 by deleting the words "*in excess of four percent (4%)*"

and line 17 by deleting the word "*recall*" and adding in its place the words "*a referendum*".

Page 31, lines 7 through 10, by deleting said lines in their entirety

and line 11 by deleting the words "*amount of revenue expected to be produced by it*"

Page 35, line 3, by deleting the word "*four*"

and line 4 by deleting the words "*percent (4%) over*"

and line 6 by deleting said line in its entirety

and line 7 by deleting the words "*such as the case may be*" and adding in lieu thereof the word "*referendum*"

and line 14 by deleting the words "*four per-*"

and line 15 by deleting the words "*cent (4%) over*"

and line 23 by deleting the words "*in excess of four percent (4%)*"

and line 25 by deleting the word "*recall*" and adding in its place the words "*a referendum*".

Page 36, lines 6 through 26, by deleting said lines in their entirety.

Page 37, lines 1 through 26, by deleting said lines in their entirety.

Page 38, lines 1 through 13, by deleting said lines in their entirety and adding in lieu thereof the following: "(1) In the event that a county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district has decided to levy a tax rate subject to a referendum as provided for in Sections 4, 5, 6, and 7 of this Act, the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the qualified voters in the respective taxing district, the question on whether or not that taxing district shall be allowed to levy a tax rate that would produce more revenue in the current year from real property than was produced in the preceding year from real property; (2) The said question shall be submitted to the qualified voters at the next general election."

The Floor Amendment No. 16 to the Second Committee Substitute to **HB 44** by Representative Nett is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 15, by deleting "ten percent (10%)" and substituting in lieu thereof "fifteen percent (15%)".

The Floor Amendment No. 17 to the Second Committee Substitute to **HB 44** by Representative DeMarcus is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 15, line 24, by deleting everything after the word "*vote*";

and on line 25, by deleting line 25 in its entirety;

and on line 26, by deleting at the beginning of line 26 the word "*be,*";

page 16, line 24, by deleting the words "*petition required to initiate*";

page 19, line 20, by deleting everything after the word "*vote*";

and on line 21, by deleting the words "*district, such as the case may be,*";

page 20, line 18, by deleting the words "*petition required to initiate*";

page 28, line 21, by deleting everything after the word "*vote*";

and on line 22, by deleting everything before the second "*as*";

page 29, line 21, by deleting the word "*petition*";

and on line 22, by deleting the words "*required to initiate*";

page 35, line 6, by deleting everything after the word "*vote*";

and on line 7, by deleting the words "*such as the case may be,*";

page 36, line 2, by deleting the words "*petition required to initiate*";

page 36, line 12, by inserting after the word "sage." the following:

"(b) If the ordinance, order, resolution or motion will produce revenue from real property, exclusive of revenue from new property, exceeding the amount of revenue produced the preceding year by more than the limits set in sections 4, 5, 6, and 7 of this Act, the county fiscal court, district board of education, or legislative body of a city, urban-county government or other taxing district shall cause to be submitted to the voters of the county, district, or urban-county, at the next regular election to be held not less than sixty (60) days from the date of passage, the question of whether such property tax rate shall be levied."

page 36, line 12, by deleting everything after the word "sage.";

and on lines 13 through 26, by deleting lines 13 through 26 in their entirety;

page 37, lines 1 through 26, by deleting lines 1 through 26 in their entirety;

page 38, line 7, by deleting the words "rate shall be levied.";

and on line 13, by adding at the end of line 13 the following:

"In no case shall a tax rate enacted in accordance with this section take effect until after the results of a recall election are certified, should such an election be necessary."

The Floor Amendment No. 18 to the Second Committee Substitute to **HB 44** by Representative DeMarcus is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 15, by changing the word "ten" to "five" and the number "10" to "5".

The Floor Amendment No. 19 to the Second Committee Substitute to **HB 44** by Representative LeMaster is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 21, line 15, delete the first comma and in its place add the word "or"; and delete the second comma and the words "or voted build-";

and on line 16, delete "ing tax rate";

and on line 22 replace the first comma with the word "or" and delete the second comma and the words "or voted";

and on line 23, delete the words "building tax rate,";

page 22, line 3, delete the first comma and in its place add the word "or"; and delete the second comma and the words "or a voted";

and on line 4, delete the words "building tax rate";

and on line 8, replace the comma with the word "or";

and on line 9, delete ", or voted building tax rate";

page 22, line 19, replace the first comma with the word "or" and delete the second comma and the words "or voted build-";

and on line 20, delete "ing tax rate";

page 23, line 3, delete the first comma and replace it with the word "or" and delete the second comma;

and on line 4, delete the words "or voted building tax rate";

and on line 9, delete the comma and replace it with the word "or";

and on line 10, delete the words ", or voted building tax rate,";

and on line 12, delete the first comma and replace it with "or" and delete the second comma and on line 13 delete "or voted building tax rate";

page 26, line 22, replace the first comma with the word "or" and delete the second comma and the words "or voted";

and on line 23, delete the words "building tax rate";

page 27, delete line 13;

and on line 15, replace the first comma with the word "or" and delete the second comma and the words following it;

and on line 17, delete the last comma and replace it with the word "or";

and on line 18, delete ", and voted building";

page 28, line 15, replace the first comma with the word "or" and delete the second comma and the word "or";

and on line 16, delete the words "a voted building tax rate,";

page 29, line 2, replace the second comma with the word "or" and on line 3, delete "or voted building tax rate,";

page 29, after line 22 add the following:

"(12) In no event shall the provisions of this Act be applicable to a voted building tax rate."

The Floor Amendment No. 20 to the Second Committee Substitute to **HB 44** by Representative LeMaster is as follows:

Amend printed copy of Second Committee Substitute to **HB 44**, page 36, line 15, by changing the word "ten" to "fifteen" and the number "10" to "15"

The Floor Amendment No. 21 to the Second Committee Substitute to **HB 44** by Representative Wright is as follows:

Amend printed copy of Second Committee Substitute for **HB 44** as follows:

Page 2, line 9, add a bracket before "excluding" and delete the words, "new property and";

On line 10, delete "personal property", and the bracket before "net";

On line 12, add "." after the word "year" and delete the words "from real";

On line 13, delete "property" and "However, in no event shall the compen-";

Delete lines 14 through 26;

Delete all lines on Page 3;

Delete all lines down to line 12 on Page 4;

On line 12 change *(9)* to *(7)*;

Page 5, line 21, delete *(10)* and the brackets around (8);

Page 6, line 26, delete *(11)* and brackets around (9);

Page 7, line 23, delete *(12)* and the brackets around (10);

Page 7, line 26, delete *(13)* and the brackets around (11);

Page 8, line 6, delete *(14)* and the brackets around (12);

Page 8, line 9, delete *(15)* and the brackets around (13);

Page 12, line 9, after the word assessment, delete the words "by more than four percent (4%)";

Page 13, line 7, delete the words, "exclusive of revenue from net assessment growth,";

Page 13, line 15, delete the words "exclusive of revenue from net";

Page 13, line 16, delete the words "assessment growth,";

Page 13, line 19, add brackets around (2) and delete lines 19 through 24;

Page 13, line 25, delete "(3) of this section";

Page 14, delete lines 3 through 36;

Page 15, delete lines 1 through 26;

Page 16, delete lines 1 through 25;

Page 17, line 5, delete the words ", exclusive of revenue from net assessment growth,";

Page 17, line 13, delete ", exclusive of revenue from net assessment growth,";

Page 17, line 17, put brackets around the number (2) and delete the rest of line 17;

Delete lines 18 through 21;

Line 22, delete "(3) of this section";

Page 18, delete lines 1 through 26;

Page 19, delete lines 1 through 26;

Page 20, delete lines 1 through 19;

Page 21, line 16, delete the comma;

Page 21, delete line 17;

On Line 18, delete the words "defined in KRS 132.010,";

Page 22, line 4, delete the word ", exclu-";

Page 22, line 5, delete the words "sive of revenue from net assessment growth as defined in";

Page 22, line 6, delete, "KRS 132.010," and

Delete lines 18 through 25 and;

On line 26, change the number "(4)" to "(3)";

On page 23, line 3, delete letter "(a)";

On line 7, change ";" to ".";

Delete lines 8 through the word "each." on line 18;

Page 24, delete lines 25 through 26;

Page 25, delete lines 1 through 3;

Page 25, line 4, delete the number (6) and the brackets around (4); and

On line 11, delete the number (7) and the brackets around (5);

Page 26, line 6, delete the number (8) and the brackets around (6); and

On line 14, delete the number (9) and the brackets around (7);

Delete lines 21 through 26;

Page 27, delete lines 1 through 26;

Page 28, delete lines 1 through 26;

Page 29, delete lines 1 through 22;

Page 31, delete the comma at the end of line 1; and

Delete line 2;

On line 3, delete the words "defined in KRS 132.010,";

On line 10, delete the bracket after the word "section";

On line 13, delete the number 132.010 and the brackets around 132.425;

On line 14, put a bracket after "year."; and

Delete lines 15 through 23.

Page 31, line 1, delete the letter "(a)";

Delete lines 4 through 10; and

On Line 11, delete all the words through the word "it";

On page 33, delete lines 8 through 26;

Page 34, delete lines 1 through 26;

Page 35, delete lines 1 through 26;

Page 36, delete lines 1 through 26;

Page 37, delete lines 1 through 26;

Page 38, delete lines 1 through 13.

The Floor Amendment No. 22 to the Second Committee Substitute to **HB 44** by Representative Overstreet is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 16, by inserting after the word "county" on said line the following: "clerk or his authorized deputy, or to the county";

and on line 23 by inserting after the word "section." the following: "If such petition is presented to the county clerk or his authorized deputy, such officer shall immediately notify the presiding officer of the appropriate fiscal court, district board of education, or legislative body of a city or urban-county government or other taxing district, as the case may be.".

The Floor Amendment No. 23 to the Second Committee Substitute to **HB 44** by Representative Overstreet is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 37, line 4, by inserting after the word "county" on said line, the word "clerk";

and on page 37, line 4, by deleting the word "fiscal" on said line;

and on lines 5 and 6 by deleting said lines;

and on line 7 by deleting the words "district so that the latter body" and substituting in lieu thereof the words "so that such officer".

The Floor Amendment No. 24 to the Second Committee Substitute to **HB 44** by Representative Overstreet is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 11, by deleting "thirty (30)" and inserting in lieu thereof "forty-five (45)";

and on line 12, by deleting "thirty (30)" and inserting in lieu thereof "forty-five (45)".

The Floor Amendment No. 25 to the Second Committee Substitute to **HB 44** by Representative Richards is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 15, by changing the word "ten" to "fifteen" and the number "10" to "15".

The Floor Amendment No. 26 to the Second Committee Substitute to **HB 44** by Representative Richards is as follows:

Amend printed copy of Second House Committee Substitute for **HB 44**, page 12, line 9, change the word "four" to "five" and the number "4" to "5";

page 15, line 22, change the word "four" to "five" and the number "4" to "5";

page 16, line 9, change the word "four" to "five" and the number "4" to "5";

and on line 18, change the word "four" to "five" and the number "4" to "5";

page 20, line 3, change the word "four" to "five" and the number "4" to "5";

and on line 11 change the word "four" to "five";

and on line 12, change the number "4" to "5";

page 23, line 15, change the word "four" to "five" and the number "4" to "5";

page 28, line 19, change the word "four" to "five" and the number "4" to "5";

page 29, line 6, change the word "four" to "five" and the number "4" to "5";

and on line 15, change the word "four" to "five" and the number "4" to "5";

page 31, line 9, change the word "four" to "five" and the number "4" to "5";

page 35, line 3, change the word "four" to "five" and on line 5, change the number "4" to "5";

page 35, line 14, change the word "four" to "five";

and on line 15, change the number "4" to "5";

and on line 23, change the word "four" to "five" and the number "4" to "5";

page 37, line 19, change the word "four" to "five" and the number "4" to "5";

The Floor Amendment No. 27 to the Second Committee Substitute to **HB 44** by Representative Wilborn is as follows:

Amend printed copy of Second House Committee Substitute for **HB 44**, page 15, line 24, delete the words "recall vote or recon-"

and on line 25, delete the words "sideration by the taxing district, such as the case may";

and on line 26, delete "be";

and on line 24, after the word "a" insert the words "*petition to be signed by the voters of the taxing district*";

page 16, line 20, delete the word "recall" and in its place, insert the words, "*a petition*";

and on line 24, delete the words "required to initiate recall of the tax";

and on line 25, delete the word "rate.";

page 19, line 20, delete the words "recall vote or reconsideration by the taxing";

and on line 21 delete the words "district, such as the case may be";

and on line 20, after the word "a", insert the words, "*petition to be signed by the voters of the taxing district*";

and on page 20, line 13, delete the word "recall" and in its place insert the words "*a petition*";

and on line 18, delete the words "required to initiate recall of the tax rate";

and on page 28, line 21, delete the words "recall vote or reconsideration by the dis-";

and on line 22, delete the words "trict board of education, such as the case may be";

and on page 29, line 17, delete the word "recall" and add the words "*a petition*";

and on line 22, delete the words "required to initiate recall of the tax rate";

page 35, line 6, delete the line in its entirety;

and on line 7, delete the words "such as the case may be";

and on page 35, line 25, delete the word "recall";

and on page 36, line 1, delete "(a)";

and on line 2, delete the words "required to initiate";

and on line 3, delete "recall of the tax rate";

and on page 36, line 11, delete "thirty (30)" and in its place, insert "*forty-five (45)*";

and on line 12, delete "thirty (30)" and in its place, insert "*forty-five (45)*";

and on line 15, delete "ten percent (10%) of the voters voting in the";

and on line 16, delete "last Presidential election";

and on line 15, after the word "to" insert "*thirty-five percent (35%)*";

and on page 36, line 20, after the word "motion", delete "the ordi-";

and delete the lines 21 through 26 in their entirety;

and on page 37, delete the lines 1 through 15 in their entirety;

and on line 11, delete "(b)";

and on line 13, delete the words "may cause the cancel-";

and on line 14, delete line 14 in its entirety;

and delete line 15 in its entirety;

and on line 13, after the word "district" insert "*shall amend such ordinance*";

and on line 26, delete line 26 in its entirety;

and on page 38, delete lines 1 through 13 in their entirety.

The Floor Amendment No. 28 to the Second Committee Substitute to **HB 44** by Representative Clarke is as follows:

Amend printed copy of Second House Committee Substitute for **HB 44**, page 15, line 23, by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 16, line 10 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Line 19, by deleting the words "*in the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 19, line 19 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 20, line 4 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Line 12 by deleting the words "*in the*";

Line 13 by deleting the words "*preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 23, line 16 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 28, line 20 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 29, line 7 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Line 16 by deleting the words "*in the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 31, line 10 by deleting the words "*the preceding year*" and adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Line 24 by deleting the words "*in the preceding year*" and by adding in their place the words "*by the compensating tax rate defined in KRS 132.010*";

Page 37, line 20 by deleting the words "the preceding year" and adding in their place the words "by the compensating tax rate defined in KRS 132.010";

Page 30, line 23 by deleting the words "May 1" and adding in their place the words "April 1".

The Floor Amendment No. 29 to the Second Committee Substitute to **HB 44** by Representative Worthington is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 16, by inserting after the word "election" on said line the following:

"or 15% of the voters in a district with less than 2500 voters voting in the last presidential election, whichever is greater,"

The Floor Amendment No. 30 to the Second Committee Substitute to **HB 44** by Representative Worthington is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 13, line 18, by deleting after the word "assessment" the "." and inserting the following:

", except for a taxing district which has been authorized to levy a tax and has not yet levied any such tax rate, in which case, the district can levy a tax rate, the maximum which will not produce more revenue than would have been produced by application of maximum authorized tax rate in the year authorized to that year's assessments."

The Floor Amendment No. 31 to the Second Committee Substitute to **HB 44** by Representative DeFalaise is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 39, after line 21, by adding the following:

Section 10. KRS 132.450 is amended to read as follows:

(1) Each property valuation administrator shall assess at its fair cash value all property which it is his duty to assess except as provided in paragraph (g) of subsection (2) of this section. In the case of securities which are regularly bought and sold through stock exchanges, the price at which such property closed on the last regular business day preceding the assessment day shall be prima facie evidence of the fair cash value of such property. The property of one (1) person shall not be assessed wilfully or intentionally at a lower or higher relative value than the same class of property of another, and any grossly discriminatory valuation shall be construed as an intentional discrimination. The property valuation administrator shall make every effort, through visits with the taxpayer, personal inspection of the property, from records, from his own knowledge, from information in property schedules, and from such other evidence as he may be able to obtain, to locate, identify, and assess property.

(2)(a) On or before April 1 of any year the owner or owners of land devoted exclusively to agricultural or horticultural use on which the property valuation administrator has placed a value in excess of the agricultural or horticultural value may file application for valuation at the agricultural or horticultural value with the property valuation administrator of the county in which the land is located, on forms prescribed by the department. This application shall be valid until the property is transferred or the land use is changed; however, the owner may elect to have the subject property assessed as other than agricultural or horticultural land for any year or years by filing a statement to that effect with the property valuation administrator prior to the close of the five (5) day period beginning on the first Monday in June. In determining the total area of such land, there shall be included the area of all land under farm buildings, greenhouses and like structures, lakes, ponds, streams, irrigation ditches and similar facilities, and garden plots devoted to growth of products for on-farm personal consumption but there shall be excluded, land used in connection with dwelling houses including, but not limited to, lawns, drives, flower gardens, swimming pools or other areas devoted to family recreation. Where contiguous land in agricultural or horticultural use in one (1) ownership is located in more than one county or taxing district, compliance with the minimum requirements shall be determined on the basis of the total area and income of such land and not the area or income of land which is located in the particular county or taxing district.

(b) Land devoted to agricultural or horticultural use, where the owner or owners have petitioned for, and been granted, a zoning classification other than for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(c) Real property devoted to agricultural or horticultural use by any corporation other than one organized primarily for agricultural or horticultural purposes is excluded from the provisions of paragraph (g) of this subsection.

(d) When the use of a part of a tract of land which is valued and taxed as agricultural or horticultural land is changed either by conveyance or other action of the owner, the right of the remaining land to be retained in the agricultural or horticultural classification for assessment and taxation shall not be impaired provided it meets the minimum requirements for such classification, except that land on which there has been established a systematic pattern of change of use over a period of two (2) years is excluded from the provisions of paragraph (g) of this subsection.

(e) The owner or owners of land shall not be liable for deferred taxes for any year in which the land was not assessed for agricultural or horticultural use under the provisions of paragraph (g) of this subsection.

(f) Where a change in land use occurs in any tax year the owner of such land shall be subject to the deferred tax provisions of subsection (1) of KRS 132.454 for each of the preceding two (2) tax years in which the land was valued and taxed for agricultural or horticultural purposes.

(g) When in the opinion of the property valuation administrator any land on which an application has been filed, has a value in excess of that for agricultural or horticultural use the property valuation administrator shall enter into the tax records the value of the property according to its fair cash value. When the property valuation administrator determines that the land meets the requirements for valuation as agricultural or horticultural land, the valuation for tax purposes shall be its agricultural or horticultural value.

(h) When an application for valuation of property as agricultural or horticultural is denied, the property valuation administrator shall cause written notice to be served on the property owner in the manner provided by subsection (4) of this section. The property owner may appeal such ruling to the county board of assessment appeals as provided in KRS 133.120 or in the case of a city or special district to the appropriate appeals body for the city or district.

(3) Notwithstanding any statutory provisions to the contrary, the provisions of this section and KRS 132.454 shall apply to the assessment and taxation of agricultural or horticultural land for state, county, city or special district purposes. Any city may by ordinance establish additional tax procedures which will enable it effectively to administer the provisions of this section and KRS 132.454.

(4) If the property valuation administrator assesses any property, except stocks and bonds at the market value listed in recognized publications, at a greater value than that listed by the taxpayer *or assesses property at a value greater than it was valued in the preceding year* or assesses unlisted property, the property valuation administrator shall serve notice on the taxpayer of such action. *The notice shall include an explanation of the assessment appeals process with instructions to the taxpayer concerning the time and manner in which he may apply for an assessment appeals hearing.* The notice shall be given by first-class mail or as provided in the Kentucky Rules of Civil Procedure.

After the new Section 10; change old Section "10" to "11" and

Page 40, line 6, change Section "11" to "12"

and line 11, change "12" to "13"

and line 13, change "13" to "14".

The Floor Amendment No. 32 to the Second Committee Substitute to **HB 44** by Representative Romines is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 36, line 15, by deleting the words "ten percent (10%)" and substituting in lieu thereof "five percent (5%)".

The Floor Amendment No. 33 to the Second Committee Substitute to **HB 44** by Representative Jones is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 12, line 9, change the word "four" to "five" and the number "4" to "5";

Page 15, line 22, change the word "four" to "five" and the number "4" to "5";

Page 16, line 9, change the word "four" to "five" and the number "4" to "5";

and on line 18, change the word "four" to "five" and the number "4" to "5";

Page 20, line 3, change the word "four" to "five" and the number "4" to "5";

and on line 11, change the word "four" to "five";

and on line 12, change the number "4" to "5";

Page 23, line 15, change the word "four" to "five" and the number "4" to "5";

Page 28, line 19, change the word "four" to "five" and the number "4" to "5";

Page 29, line 6, change the word "four" to "five" and the number "4" to "5";

and on line 15, change the word "four" to "five" and the number "4" to "5";

Page 31, line 9, change the word "four" to "five" and the number "4" to "5";

Page 35, line 3, change the word "four" to "five" and on line 5, change the number "4" to "5";

Page 35, line 14, change the word "four" to "five"'

and on line 15, change the number "4" to "5";

and on line 23, change the word "four" to "five" and the number "4" to "5";

Page 37, line 19, change the word "four" to "five" and the number "4" to "5";

The Floor Amendment No. 34 to the Second Committee Substitute to **HB 44** by Representative Williams is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 1, line 12, by inserting after the word "property" the following: "*and firearms*".

The Floor Amendment No. 35 to the Second Committee Substitute to **HB 44** by Representative Holbrook is as follows:

Amend printed copy of House Committee Substitute for **HB 44**, page 21, line 26, by deleting "*, voted general tax rate, or voted build-*";

Page 22, line 1, by deleting "*ing tax rate*";

and on lines 7 and eight, by deleting "*, voted general tax rate, or voted building tax rate, respectively,*";

and on lines 14 and 15, by deleting "*, a voted general tax rate, or a voted building tax rate*";

and on lines 19 and 20, by deleting "*, voted general tax rate, or voted building tax rate, respectively,*";

Page 23, lines 4 and 5, by deleting "*, voted general tax rate, or voted building tax rate*";

and on lines 20 and 21, by deleting "*, voted general tax rate, or voted building tax rate,*";

and on line 22, by deleting "*by each*" and substituting therefor "*therefrom*";

and on lines 23 and 24, by deleting "*, voted general tax rate, or voted building tax rate*";

Page 24, line 3, by deleting "*by each*" and substituting therefor "*therefrom*";

Page 27, lines 10 and 11 by deleting "*, voted general tax rate, or voted building tax rate*";

and on lines 24 and 25, by deleting "*, voted general tax rate, or voted building tax rate*";

Page 29, lines 17 and 18, by deleting "*, a voted general tax rate, or a voted building tax rate*";

Page 30, lines 4 and 5, by deleting "*, voted general tax rate, or voted building tax rate*".

The Floor Amendment No. 36 to the Second Committee Substitute to **HB 44** by Representative Patrick is as follows:

Amend printed copy of Second Committee Substitute for **HB 44**, page 40, line 22, by inserting after line 22 the following:

"Section 14. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2§) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all privately-owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103 directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25§) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15§) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15§) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15§) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45§) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1 1/2§) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Effective on and after January 1, 1979, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) Any amount collected from a tax on a passenger car as provided in subsection (1) of this section shall be returned in equal amounts to each local taxing district in which the same car is subject to taxation."

The Floor Amendment No. 2 to **HB 68** by Representative Clapp is as follows:

Amend printed copy of Committee Substitute for **HB 68**, page 7, line 23, delete the semicolon";";

and on line 24, page 7, delete the following:

"*(y) Preservation of historic structures*".

The Floor Amendment No. 3 to **HB 68** by Representative Clapp is as follows:

Amend printed copy of Committee Substitute for **HB 68**, on page 9, after line 15, insert the following:

"*(9) Any agency of county government exercising authority pursuant to subsection (3) (y) of this section shall, prior to exercising such authority, obtain the voluntary written consent of the owner of the structure. Consent may be obtained only after advising the owner in writing of any advantages and disadvantages to the owner which are likely to result from the exercise of such authority.*"

Adjournment

Representative B. Richardson moved that the House adjourn until 10 a.m., February 3, 1979.

The House adjourned by voice vote.

FRIDAY, FEBRUARY 2, 1979

TWENTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Gayle Toole of the Edgewood Baptist Church, Nicholasville, Kentucky.

The roll was called. All present except Representative Kleier.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of February 1, 1979 be dispensed with and the same approved. Agreed.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes for a meeting of the Democratic Caucus in the State Reception Room. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HR 46, by Representative Thomas: A RESOLUTION to adjourn the House of Representatives in honor and memory of Al Bilik.

HR 47, by Representatives Van Horn and Davenport: A RESOLUTION honoring the marmota monax and expressing a desire of the General Assembly for a favorable meterological prognostication.

HB 81, by Representatives Wright, Maynard and Smith: AN ACT relating to individual income tax.

HB 82, by Representatives Mann and Donnermeyer: AN ACT relating to capital construction.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 79.**

State Government: **HB 80** and **SB 36.**

Report of Committees

The Committee on Judiciary-Statutes reported **SB 11** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 11, AN ACT relating to fraud.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:
As used in this Act:
(1) "False statement or misrepresentation" means a statement or representation knowingly made by a person to be false;
(2) "Benefit" means receipt of money, or goods or anything of pecuniary value from an assistance program;

(3) "Provider" means an individual, corporation, association, facility, or institution which is providing or has been approved to provide medical assistance to recipients under the medical assistance program;

(4) "Assistance program" means any program administered by the department.

SECTION 2. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

(1) No person shall, with intent to defraud, knowingly make a false statement or misrepresentation or by other means fail to disclose a material fact used in determining his qualification to receive benefits under any assistance program;

(2) No person shall, with intent to defraud, fail to report a change in the factors affecting his eligibility for benefits;

(3) No person shall, with intent to defraud, knowingly use, attempt to use, acquire, transfer, forge, alter, traffic, counterfeit or possess a food stamp, food stamp identification card or medical identification card in any manner not authorized by law;

(4) No person having responsibility for the administration of an assistance program shall, having knowledge that the same is in violation of the law, knowingly aid or abet any person in obtaining benefits to which such person is not legally entitled, or to obtain a benefit amount greater than that to which he is fully entitled;

(5) No person shall misappropriate or attempt to misappropriate a food stamp authorization to purchase card, food stamp identification card, medicaid identification card or misappropriate other benefits from any program with which he has been assigned responsibility, nor shall he knowingly fail to report any such activity when the same is clearly in violation of the law;

(6) No person shall, with intent to defraud or deceive, devise a scheme or plan a scheme or artifice to obtain benefits from any assistance program by means of false or fraudulent representations or intentionally engage in conduct which advances the scheme or artifice;

(7) No person shall aid and abet another individual in acts prohibited in subsections (1), (2), (3), (4), (5), and (6) of this section knowing the same to be in violation of the law.

SECTION 3. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

For the purpose of enforcing the provisions of this Act, and of investigating any assistance program administered by the department, the designated agents of the department shall have the same access to records maintained pursuant to KRS 17.150 as do peace officers.

SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in KRS 205.510 to 205.600, no person shall knowingly solicit or receive any remuneration (including any kickback, bribe or rebate) for furnishing medical assistance benefits;

(2) No person shall unlawfully make, offer or receive payment, rebate of a fee, or charge for referring an individual to another person for furnishing of benefits;

(3) No person shall enter into an agreement, combination or conspiracy with the intent to defraud the department by obtaining or aiding another to obtain the payment or allowance of a fictitious, false or fraudulent claim;

(4) No person shall, with intent to defraud, make, present or cause to be made or presented to an employe or officer of the department a claim for benefits upon or against the state knowing the claim to be false, fictitious or fraudulent;

(5) No person shall, with intent to defraud, knowingly make, or induce, or seek to induce the making of a false statement or false representation of a material fact with respect to the conditions or operations of an institution or facility in order that the institution or facility may qualify, upon initial certification or upon recertification as a hospital, skilled nursing facility, intermediate care facility, home health agency or other provider of services to the medical assistance program.

SECTION 5. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

(1) Any person who violates the provisions of subsections (1), (2), and 7 of Section 2 of this Act, shall be guilty of a Class A misdemeanor unless the sum total of benefits received in excess of that to which the person was entitled at the time the offense was committed, is valued at or over one hundred dollars ($100), in which case it is a Class D felony;

(2) Any person who violates subsection (3) of Section 2 shall be guilty of a Class D felony;

(3) Any person who violates the provisions of subsections (4) and (5) of Section 2 of this Act, shall be guilty of a Class C felony;

(4) Any person who violates the provisions of subsection (6) of Section 2 of this Act, shall be guilty of a Class D felony unless the purpose of the violation is to obtain ten thousand dollars ($10,000) or more in which case it shall be a Class C felony;

(5) Recovery of all benefits to which a person was not entitled shall be awarded to the department as provided in KRS 431.200.

Section 6. KRS 205.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 205.170 or 205.175 shall be fined not less than $50.00 nor more than $200 or imprisoned for not more than six (6) months or both.

(2) Any person who [knowingly makes a false statement or representation or knowingly fails to disclose a material fact to procure, increase or continue any benefit for himself or another or who] wilfully violates any of the provisions of KRS [205.160 to 205.250 and KRS 205.290 to] 205.310, or any rule or regulation thereunder, shall be fined not less than $10.00 nor more than $50.00, or imprisoned for not more than thirty (30) days, or both. Each [false statement, representation, failure or violation and each benefit payment made in reliance on such false statement, representation,] failure or violation shall constitute a separate offense.

(3) Any person who violates the provisions of subsections (1), (2) and (3) of Section 4 of this Act shall be guilty of a Class D felony.

(4) Any person who violates the provisions of subsection (4) of Section 4 shall be guilty of a Class A misdemeanor unless the sum total of the false, fictitious or fraudulent claims for benefits is valued at one hundred dollars ($100) or more in which case it shall be a Class D felony.

(5) Any person who violates the provisions of subsection (5) of Section 4 shall be guilty of a Class C felony.

(6) Recovery of all benefits to which a person was not entitled shall be awarded to the department as provided in KRS 431.200.

Section 7. KRS 341.990 is amended to read as follows:

(1) Any employe of any state department who violates any of the provisions of KRS 341.110 to 341.230 shall be fined not less than twenty dollars ($20.00) nor more than two hundred dollars ($200) or imprisoned for not more than ninety (90) days, or both.

(2) Any person subpoenaed to appear and testify or produce evidence in an inquiry, investigation or hearing conducted under this chapter who fails to obey the subpoena shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100) or imprisoned for not more than thirty (30) days, or both.

(3) Any subject employer, or officer or agent of a subject employer, who violates subsection (1) of KRS 341.470 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or imprisoned for not more than six (6) months, or both for each offense.

(4) Any person who violates subsection (2) of KRS 341.470 shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both, for each offense.

(5) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the *department* [secretary] to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the federal government, either for himself or for any other person, shall be *guilty of a Class A misdemeanor unless the value of the benefits procured or attempted to be procured is one hundred dollars ($100) or more, in which case he shall be guilty of a Class D felony.* [fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days, or both. Each false statement or representation or failure shall constitute a separate offense.]

(6)*(a)* Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any worker entitled thereto, or to avoid becoming or remaining subject to this chapter, or to avoid or reduce any payment required of an employing unit under this chapter *shall be guilty of a Class A misdemeanor unless the liability avoided or attempted to be avoided is one hundred dollars ($100) or more, in which case he shall be guilty of a Class D felony.*

(b) Any person [or] who wilfully fails or refuses to furnish any reports required, or to produce or permit the inspection or copying of records required in this chapter shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) or imprisoned for not more than thirty (30) days, or both. Each such false statement, representation or failure and each day of such failure or refusal shall constitute a separate offense.

(7) Any person who wilfully violates any provision of this chapter or any rule or regulation under it, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which no specific penalty is prescribed in this chapter or in any other applicable statute, shall be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00). Each day such violation continues shall constitute a separate offense.

[(8) Any prosecution for the violation of any provision of this chapter, the penalty for which is prescribed under this section, shall be commenced within two (2) years of the commission of the offense.]

Section 8. KRS 205.520 is amended to read as follows:

(1) KRS 205.510 to *205.600* [205.610, 205.991 and 211.106] shall be known as the "medical assistance act."

(2) The general assembly of the commonwealth of Kentucky recognizes and declares that it is an essential function, duty and responsibility of the state government to provide medical care to its indigent citizenry; and it is the purpose of KRS 205.510 to *205.600* [205.610, 205.991 and 211.106] to provide such care.

(3) Further, it is the policy of the commonwealth to take advantage of all federal funds that may be available for medical assistance. To qualify for federal funds the secretary of the department for human resources may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to *205.600* [205.610, 205.991 or KRS 211.106] is intended to limit the secretary's power in this respect.

Section 9. KRS 205.550 is amended to read as follows:

The council shall develop and formulate recommendations to the Department for Human Resources as to policies, plans, budgets, programs, and rules and regulations relating to:

(1) The administration of KRS 205.510 to *205.600* [205.610, 205.991 and 211.106];

(2) The utilization of facilities and personnel of the Department for Human Resources;

(3) The designation, by regulation, of the scope of medical care for which the Department for Human Resources should take to pay;

(4) The designation, by regulation, of quantity and quality standards and of methods for determining costs for vendor payments for medical care services, taking into consideration insurance and other financial resources available to the recipients;

(5) The designation, by regulation, of the limitations, duration and frequency of medical care for which vendor payments for medical care services should be made;

(6) The administration of grants, gifts, and contributions from the federal government, or from other sources, for the purpose of carrying out the intent and purposes of KRS 205.510 to *205.600* [205.610, 205.991 and 211.106];

(7) The establishment of and contribution to a federal-state medical care fund from funds appropriated from time to time by the general assembly;
(8) The conducting of studies, research, demonstrations, and surveys to carry out the purposes of KRS 205.510 to *205.600* [205.610, 205.991 and 211.106];
(9) Agreements and contracts for the administration of KRS 205.510 to *205.600* [205.610, 205.991 and 211.106];
(10) The utilization of facilities and personnel of local health departments and local public assistance offices;
(11) The periodic evaluation of the program and publication of reports thereof;
(12) The formulation of such modifications, expansions, or contractions of the program as may be desirable or necessary.
Section 10. KRS 205.225 Misrepresentation of fact to obtain assistance — Action of commissioner, 205.991 Penalties for medical assistance offenses, 432.580 Unauthorized possession or use of Federal food or cotton stamps, are repealed.
Section 11. Whereas, prosecution for fraudulently obtaining benefits has been impeded by lack of statutory clarification enumerating proscribed acts and penalties therefor, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

The Committee Amendment to **SB 11** is as follows:

Amend printed copy of **SB 11** by inserting on page 4 after line 15 the following:

"(6) Subsections (1) and (2) of this section shall not apply to:

(a) A discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter; and

(b) Any amount paid by an employer to an employe (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services."

Calendar

SB 5, HB 73, SB 9, HR 41 and **HB 47** taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions, and Communications

Representative Brown moved that the rules be suspended for the purpose of recording vote. Agreed.

Representative Brown moved that he be recorded as voting "yea" on **SB 8**. Agreed.

Representative Carpenter moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Carpenter moved that he be recorded as voting "yea" on **HB 51, HR 52** and **SB 8**. Agreed.

Representative Van Horn moved to suspend the rules to act on a Resolution. Agreed.

Representative Van Horn moved the adoption of the following **HR 47**:

HR 47, A RESOLUTION honoring the marmota monax and expressing the desire of the General Assembly for a favorable meteorological prognostication.
WHEREAS, February 2 is recognized throughout North America as groundhog day; and
WHEREAS, this humble animal has, since time immemorial, prognosticated climatic changes for mankind; and
WHEREAS, nowhere in the annals of recorded history have such prognostications been proven inaccurate, erroneous or false; and
WHEREAS, the minds and hearts of men eagerly await the result of this annual shadow boxing, and never more than this year would all so eagerly awaiting hope for his favorable prediction;
NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives does adjourn this day, Friday, February 2, 1979, it does so in honor of the humble woodchuck with the hope for his favorable prediction of an early spring.

HR 47 was adopted by voice vote.

Representative Tobin moved that **HB 48** be taken from the Committee on Appropriations and Revenue by way of the Discharge Petition filed on February 1, 1979.

On the roll call the vote was yeas 45-Bennett, Beashear, Boatwright, Brown, Bruce, Burch, Burnette, Carpenter, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Freibert, Gay, Gray, Guenthner, Haering, Head, Holbrook, Holloway, Isler, Johnson, Layman, Marcum, McKinney, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, Riner, Romines, Schmidt, F. Smith, R. Smith, Stone, Tobin, Van Horn, Weinberg, White, Wright. Nays 42-Adams, J. Allen, Arnold, Bendl, Blandford, Boswell, Brinkley, Clapp, Clarke, Craddock, Cyrus, Deskins, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hancock, Hines, Hurst, Imes, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Mann, May, McBee, McNutt, Nett, Richards, B. Richardson, P. Richardson, Sale, Stewart, Thomas, Turner, Wells, Wilborn, Worthington.

The motion that **HB 48** be taken from the Committee on Appropriations and Revenue was rejected.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Hurst, **HB 62**; Representative Bendl, **HCR 31**; Representative Pearman, **HR 33**, **HR 41**; Representative Riner, **HB 34, HB 49, HB 50, HB 45, HB 77, HB 52, HB 51, HB 61, HB 62.**

Orders of the Day

HB 44, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Second Committee Substitute to **HB 44**. Agreed.

Representative Clarke moved the adoption of Floor Amendment No. 28 to the Second Committee Substitute to **HB 44**. Agreed.

Representative LeMaster moved the adoption of Floor Amendment No. 19 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 42-Adams, W. Allen, Beshear, Blythe, Boatwright, Brinkley, Brown, Craddock, Cyrus, Davenport, DeMarcus, Deskins, Fitzgerald, Foster, Gay, Gray, Guenthner, Hines, Holbrook, Jones, Kenton, Layman, LeMaster, Lindsay, List, Marcum, McBee, McNutt, Noe, Overstreet, Patrick, Plummer, Rattliff, Richards, Sale, F. Smith, R. Smith, Stone, Tobin, Weinberg, Wilborn, Williams. Nays 51-J. Allen, Arnold, Bendl, Bennett, Benson, Boswell, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Crupper, DeFalaise, Dietz, Donnermeyer, Dunn, Freibert, Guy, Haering, Hancock, Holloway, Hurst, Imes, Isler, Johnson, Kidd, Little, Mann, May, Maynard, McKinney, Morris, Nett, O'Brien, Pearman, Petty, Priddy, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, Stewart, Thomas, Van Horn, Wells, White, Wright, Yates.

Floor Amendment No. 19 to the Second Committee Substitute to **HB 44** was rejected.

Representative Nett moved the adoption of Floor Amendment No. 13 to the Second Committee Substitute to **HB 44**. Agreed.

Representative Nett moved the adoption of Floor Amendment No. 16 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 24-Adams, Bendl, Benson, Blythe, Boswell, Clarke, Foster, Hancock, Hines, Kenton, LeMaster, Lindsay, List, Maynard, McNutt, Nett, Richards, B. Richardson, Stewart, Tobin, Turner, Weinberg, Wilborn, Williams. Nays 64-J. Allen, W. Allen, Arnold, Bennett, Blandford, Brinkley, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Layman, Little, Mann, Marcum, May, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Schmidt, Siemens, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wright, Yates.

Floor Amendment No. 16 to the Second Committee Substitute to **HB 44** was rejected.

Representative Jones moved the adoption of Floor Amendment No. 33 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 24-Adams, Bendl, Benson, Blythe, Brown, Deskins, Guenthner, Hancock, Head, Hines, Holbrook, Holloway, Jones, Kidd, Lindsay, Maynard, McNutt, Richards, F. Smith, Tobin, Weinberg, Wilborn, Williams, Worthington. Nays 68-J. Allen, W. Allen, Arnold, Bennett, Beshear, Blandford, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Haering, Hurst, Imes, Isler, Johnson, Kenton, Layman, List, Little, Mann, Marcum, May, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stewart, Stone, Turner, Van Horn, Wells, White, Wright, Yates.

Floor Amendment No. 33 to the Second Committee Substitute to **HB 44** was rejected.

Representative Nett moved the adoption of Floor Amendment No. 14 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 12-Bendl, Benson,Clarke, Fitzgerald, Hancock, Hines, Mann, Nett, Thomas, Tobin, Wilborn, Williams. Nays 78-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Layman, LeMaster, List, Little, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Wells, White, Worthington, Wright, Yates.

The Floor Amendment No. 14 to the Second Committee Substitute to **HB 44** was rejected.

Representative Worthington moved the adoption of Floor Amendment No. 30 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 42-Adams, W. Allen, Arnold, Beshear, Blandford, Brown, Carpenter, Clarke, Craddock, Crupper, Cyrus, Gray, Guenthner, Guy, Hancock, Hines, Holbrook, Imes, Isler, Johnson, Kidd, Layman, LeMaster, Marcum, May, McBee, Morris, Overstreet, Pearman, Plummer, Priddy, Rattliff, Riner, Sale, Siemens, Thomas, Tobin, Weinberg, Wells, Wilborn, Williams, Worthington. Nays 35-Bennett, Blythe, Brinkley, Bruce, Burch, Burnette, Clapp, Davenport, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Freibert, Gay, Haering, Kenton, Little, Mann, Maynard, Noe, O'Brien, Patrick, Richards. B. Richardson, Romines, Schmidt, R. Smith, Stewart, Stone, Turner, Van Horn, Wright, Yates.

Floor Amendment No. 30 to the Second Committee Substitute to **HB 44** was adopted.

Representative Worthington moved the adoption of Floor Amendment No. 29 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 22-Adams, W. Allen, Arnold, Benson, Blythe, Boswell, Clarke, Craddock, Holbrook, Holloway, Johnson, Jones, List, Mann, Nett, Plummer, Richards, Thomas, Tobin, Wilborn, Williams, Worthington. Nays 65-J. Allen, Bennett, Blandford, Brinkley, Bruce, Burch, Burnette, Clapp, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hurst, Imes, Isler, Kenton, Layman, LeMaster, Little, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, B. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Wells, White, Wright, Yates.

Floor Amendment No. 29 to Second Committee Substitute to **HB 44** was rejected.

Representative B. Richardson moved that **HB 44**, by way of Second Committee Substitute as amended, be passed.

Representative Gray moved the adoption of the Previous Question on **HB 44**.

On the roll call the vote was yeas 19-Blandford, Boswell, Carpenter, Clapp, Cyrus, Donnermeyer, Dunn, Gray, Head, List, McBee, O'Brien, Pearman, Stewart, Stone, Thomas, Turner, Wells, Yates. Nays 54-W. Allen, Bennett, Blythe, Brinkley, Bruce, Burch, Burnette, Craddock, Crupper, Davenport, DeFalaise, DeMarcus, Deskins, Fitzgerald, Foster, Freibert, Gay, Guenthner, Guy, Haering, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Layman, LeMaster, Lindsay, Little, Marcum, Maynard, McKinney, McNutt, Morris, Nett, Overstreet, Patrick, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Tobin, Van Horn, Weinberg, Wilborn, Williams, Wright.

The motion that the Previous Question be adopted on **HB 44** was rejected.

Representative Holbrook moved the adoption of Floor Amendment No. 35 to the Second Committee Substitute to **HB 44.**

The Chair ruled Floor Amendment No. 35 out of order.

Representative DeMarcus moved the adoption of Floor Amendment No. 17 to the Second Committee Substitute to **HB 44.**

On the roll call the vote was yeas 41-J. Allen, W. Allen, Bennett, Bruce, Burch, Burnette, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Freibert, Gay, Guenthner, Haering, Holbrook, Isler, Layman, Little, Marcum, McKinney, Morris, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Sale, Schmidt, R. Smith, Stone, Turner, Van Horn, White, Williams, Wright. Nays 48-Adams, Arnold, Bendl, Benson, Beshear, Blandford, Boswell, Brinkley, Carpenter, Clapp, Clarke, Craddock, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hurst, Imes, Johnson, Jones, Kenton, LeMaster, Lindsay, List, Mann, May, Maynard, McBee, Nett, Noe, Petty, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Thomas, Weinberg, Wells, Wilborn, Yates.

Floor Amendment No. 17 to the Second Committee Substitute to **HB 44** was rejected.

Representative DeFalaise moved the adoption of Floor Amendment No. 15 to the Second Committee Substitute to **HB 44.**

On the roll call the vote was yeas 27-W. Allen, Bruce, Burnette, Davenport, DeFalaise, DeMarcus, Freibert, Gay, Guenthner, Haering, Holbrook, Holloway, Layman, Marcum, Morris, Noe, Overstreet, Patrick, Plummer, Rattliff, Riner, Robinson, Schmidt, R. Smith, Van Horn, White, Wright. Nays 59-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Head, Hines, Imes, Isler, Jones, Kenton, Kidd, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, Nett, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Stewart, Stone, Tobin, Turner, Weinberg, Wilborn, Williams, Worthington, Yates.

Floor Amendment No. 15 to the Second Committee Substitute to **HB 44** was rejected.

Representative DeFalaise moved the adoption of Floor Amendment No. 31 to the Second Committee Substitute to **HB 44.**

On the roll call the vote was yeas 33-W. Allen, Bruce, Burnette, Dawahare, DeFalaise, DeMarcus, Freibert, Gay, Guenthner, Haering, Holbrook, Holloway, Imes, Isler, Layman, Lindsay, Marcum, McKinney, McNutt, Morris, Overstreet, Patrick, Pearman, Rattliff, Riner, Robinson, Schmidt, F. Smith, R. Smith, Van Horn, White, Williams, Wright. Nays 43-Adams, J. Allen, Bendl, Benson, Beshear, Blandford, Blythe, Boswell, Burch, Carpenter, Clapp, Clarke, Crupper, Cyrus, Deskins, Donnermeyer, Dunn, Fitzgerald, Gray, Guy, Hancock, Head, Hines, Kenton, Little, Mann, May, Maynard, McBee, Nett, O'Brien, Priddy, Richards, B. Richardson, P. Richardson, Siemens, Stewart, Tobin, Turner, Weinberg, Wells, Wilborn, Worthington.

Floor Amendment No. 31 to the Second Committee Substitute to **HB 44** was rejected.

Representative Little moved the adoption of the Previous Question on **HB 44.**

On the roll call the vote was yeas 21-Blandford, Boswell, Burch, Carpenter, Clapp, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Dunn, Gray, Hancock, Little, McBee, O'Brien, Pearman, B. Richardson, P. Richardson, Stewart, Turner. Nays 48-W. Allen, Arnold, Bennett, Blythe, Brinkley, Bruce, Burnette, Davenport, DeFalaise, DeMarcus, Deskins, Fitzgerald, Freibert, Gay, Guenthner, Guy, Holbrook, Holloway, Imes, Isler, Johnson, Layman, LeMaster, Lindsay, List, Marcum, McKinney, McNutt, Morris, Noe, Overstreet, Patrick, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Schmidt, F. Smith, R. Smith, Thomas, Tobin, Van Horn, Weinberg, Wilborn, Wright, Yates.

The motion that the Previous Question be adopted on **HB 44** was rejected.

Speaker Pro Tempore Clapp presiding.

Representative Wright moved the adoption of the Floor Amendment No. 21 to the Second Committee Substitute to **HB 44.**

On the roll call the vote was yeas 25-W. Allen, Bennett, Blythe, Burnette, Davenport, DeFalaise, DeMarcus, Gay, Guenthner, Haering, Holbrook, Imes, Layman, Marcum, McKinney, Noe, Overstreet, Patrick, Petty, Plummer, Riner, Robinson, R. Smith, Van Horn, Wright. Nays 50-Adams, J. Allen, Bendl, Benson, Blandford, Boswell, Brinkley, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Hines, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Maynard, McNutt, Nett, Pearman, Richards, B. Richardson, P. Richardson, Siemens, F. Smith, Stone, Thomas, Tobin, Weinberg, Wilborn, Williams, Worthington.

Floor Amendment No. 21 to the Second Committee Substitute to **HB 44** was rejected.

Representative Romines moved the adoption of Floor Amendment No. 32 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 30-J. Allen, W. Allen, Arnold, Bennett, Bruce, Burnette, Davenport, Dawahare, DeFalaise, Freibert, Gay, Guenthner, Haering, Imes, Layman, Marcum, McKinney, Morris, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Romines, Schmidt, R. Smith, Van Horn, White, Wright. Nays 48-Adams, Bendl, Benson, Blandford, Boswell, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Isler, Johnson, Jones, Kidd, LeMaster, Lindsay, List, Little, Mann, May, Nett, Petty, Richards, B. Richardson, P. Richardson, Siemens, Stone, Thomas, Tobin, Weinberg, Wells, Wilborn, Williams, Worthington, Yates.

Floor Amendment No. 32 to the Second Committee Substitute to **HB 44** was rejected.

Representative Overstreet moved the adoption of Floor Amendment No. 22 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 61-W. Allen, Bendl, Bennett, Blythe, Boswell, Brinkley, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Freibert, Gay, Gray, Guy, Haering, Head, Holbrook, Imes, Isler, Johnson, Layman, LeMaster, Lindsay, List, Marcum, May, McBee, McKinney, Morris, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Robinson, Romines, Sale, Schmidt, R. Smith, Stone, Thomas, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates. Nays 6-Blandford, Foster, Hancock, B. Richardson, P. Richardson, Siemens.

Floor Amendment No. 22 to the Second Committee Substitute to **HB 44** was adopted.

Representative Overstreet moved the adoption of Floor Amendment No. 23 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 76-W. Allen, Arnold, Bendl, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Imes, Isler, Johnson, Jones, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, McBee, McNutt, Morris, Nett, Overstreet, Patrick, Pearman, Petty, Priddy, Rattliff, Richards, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, Worthington, Wright, Yates. Nays 3-B. Richardson, P. Richardson, Wilborn.

Floor Amendment No. 23 to the Second Committee Substitute to **HB 44** was adopted.

Representatiave Overstreet moved the adoption of Floor Amendment No. 24 to the Second Committee Substitute to **HB 44**.

On the roll call the vote was yeas 58-J. Allen, W. Allen, Arnold, Bennett, Blandford, Blythe, Boswell, Brinkley, Bruce, Carpenter, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Head, Holbrook, Hurst, Imes, Isler, Johnson, Layman, Lindsay, List, Little, Marcum, May, McKinney, Morris, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, Wright, Yates. Nays 22-Adams, Bendl, Benson, Clapp, Clarke, Craddock, Dietz, Donnermeyer, Dunn, Hancock, Hines, Jones, Kenton, LeMaster, Mann, Maynard, McBee, Richards, B. Richardson, Weinberg, Wilborn, Worthington.

Floor Amendment No. 24 to the Second Committee Substitute to **HB 44** was adopted.

Speaker Kenton presiding.

Representative B. Richardson moved that **HB 44**, by way of Second Committee Substitute as amended, be passed.

On the roll call the vote was yeas 85-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guy, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale Schmidt, Siemens, F. Smith. R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Yates. Nays 10-W. Allen, Blythe, Haering, Hines, Johnson, McNutt, Rattliff, Tobin, Williams, Wright.

HB 44, by way of Second Committee Substitute was amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 44**, by way of Second Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that all Bills and Resolutions remaining in Orders of the Day be deferred and that they retain their position. Agreed.

Senate Message

Announcing passage of **SB 34**, **SB 43** and **SB 47**.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

Floor Amendment No. 4 to **HB 68** by Representative Blandford is as follows:

Amend printed copy of House Committee Substitute for **HB 68**, on page 1 by deleting lines 1 through 21 in their entirety;

and on page 2, by deleting lines 1 through 26 in their entirety;

and on page 3, by deleting lines 1 through 26 in their entirety;

and on page 4, by deleting lines 1 through 16 in their entirety;

and on page 4, line 17, by renumbering Section 4 as Section 1 and by renumbering all subsequent sections accordingly.

The Clerk announced a meeting of the Committee on Rules upon adjournment.

Representative Clarke announced a meeting of the Committee on Appropriations and Revenue in Room A upon adjournment.

Adjournment

Representative B. Richardson moved that the House adjourn until 4:00 p.m., February 5, 1979.

On the roll call the vote was yeas 52-Arnold, Bennett, Beshear, Blythe, Boatwright, Boswell, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Haering, Head, Hines, Holloway, Isler, Johnson, Kenton, Layman, Mann, May, Maynard, McBee, Morris, Nett, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Sale, Schmidt, Siemens, F. Smith, Stone, Van Horn, Weinberg, Wilborn, Yates. Nays 7-Fitzgerald, Guy, Hancock, Holbrook, Imes, LeMaster, Robinson.

The motion to adjourn was adopted.

MONDAY, FEBRUARY 5, 1979

TWENTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Dennis W. Jones of the First Presbyterian Church, Frankfort.

The roll was called. All present.

Representative Brinkley moved that the reading of the Journal of February 2, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HJR 48, by Representatives McBee, Donnermeyer, DeFalaise, Petty, Mann, Dietz and Isler: A JOINT RESOLUTION directing the Public Service Commission, the Energy Regulatory Commission, and the Utility Regulatory Commission to hold public hearings outside Frankfort, when this is warranted by local interest, and to allow greater citizen participation at such hearings.

HR 49, by Representatives Boswell and Lindsay: A RESOLUTION honoring G. L. Utley.

HR 50, by Representative Weinberg: A RESOLUTION urging that state jurisdiction over natural gas gathering lines be upheld.

HCR 51, by Representative B. Richardson: A CONCURRENT RESOLUTION directing the Legislative Research Commission to appoint a Commission to study the limiting of government expenditures.

Senate Message

Announcing passage of SB 39, HB 7, HB 53, HJR 4, HJR 17, and HCR 20.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: HB 81, SB 43.

Counties and Special Districts: SB 47.

Judiciary-Courts: SB 34.

State Government: HB 82.

Report of Committees

The Committee on Rules reported HB 47, HB 73, HR 41, SB 5 and SB 9, have been posted for passage in Orders of the Day, February 6, 1979.

Posting of Bills and Resolutions for Consideration

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Public Utilities and Transportation: HB 65 is withdrawn.

Judiciary-Courts: SB 1 and HB 60.

State Government: HB 80.

Report of Committees (continued)

The Committee on Appropriations and Revenue reported **HCR 31**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HCR 31, A CONCURRENT RESOLUTION directing the Legislative Research Commission, in conjunction with the Interim Joint Committee on Appropriations and Revenue, to study the entire tax system in the Commonwealth of Kentucky.

WHEREAS, there are over twenty different taxes collected in the Commonwealth; and

WHEREAS, the courts have declared some of these taxes unconstitutional and inequitable; and

WHEREAS, the public demands certain basic governmental services; and

WHEREAS, the local funding sources are critical to public education as well as local governmental units and comprise a substantial portion of their budgets;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The Legislative Research Commission in conjunction with the Interim Joint Committee on Appropriations and Revenue is directed to study the statutes concerning taxes in the Commonwealth to determine which taxes are unconstitutional and/or inequitable.

The study shall include an analysis of each and every tax collected or permitted to be collected in the Commonwealth; the cost of collecting the tax; the method of collecting the tax; the inequities in the tax; the reliability of the tax for the governmental unit using the tax.

Section 2. The results of the study and any recommendations shall be reported to the members of the Kentucky General Assembly not later than September 15, 1979.

Section 3. Staff services to be utilized in completing this study are estimated to cost $20,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

The Committee on Appropriations and Revenue reported **HB 19**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered referred to the Committee on Rules.

The Committee Substitute to **HB 19** is as follows:

HB 19, AN ACT relating to appropriations for the operation, maintenance, support and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I
GENERAL FUND

There is appropriated out of the General Fund for the fiscal year ending June 30, 1978, and, including any unappropriated surplus to the General Fund as of June 30, 1978, for the fiscal year beginning July 1, 1978, and ending June 30, 1979, and, including any unappropriated surplus to the General Fund as of June 30, 1979, for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the following sums for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, and agencies of the State Government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 21, 42 and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part I listed as follows:

A. GENERAL GOVERNMENT

1. GOVERNOR		
	1978-79	$ 789,800
	1979-80	$ 805,200
2. LIEUTENANT GOVERNOR		
	1978-79	$ 379,100
	1979-80	$ 399,200
3. SECRETARY OF STATE		
a. General Operations		
	1978-79	$ 645,800

1979-80	$ 680,100

b. Restoration of Land Grant Books

1978-79	$ 47,000
1979-80	$ 47,000

TOTAL—SECRETARY OF STATE

1978-79	$ 692,800
1979-80	$ 727,100

4. BOARD OF ELECTIONS

1978-79	$ 1,137,700
1979-80	$ 1,166,200

Included in the above appropriation is $705,000 each fiscal year to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.105). Any unexpended balance remaining at the close of each fiscal year shall lapse to the credit of the General Fund. Any expenses in excess of the above amounts shall be deemed a necessary governmental expense.

5. TREASURER

1978-79	$ 853,200
1979-80	$ 875,600

6. DEPARTMENT OF LAW

1978-79	$ 2,541,200
1979-80	$ 2,749,700

Included in the above appropriation is $57,500 for fiscal year 1978-79 and $57,500 for fiscal year 1979-80 for the employment of three additional support staff for the Prosecutors Advisory Council.

7. AUDITOR OF PUBLIC ACCOUNTS

a. Investigations

1978-79	$ 88,000
1979-80	$ 120,800

Funds are appropriated for work other than routine financial audits.

b. County Audits

1978-79	$ 351,900
1979-80	$ 329,800

Funds are appropriated for audit of the receipt and expenditure of state and local funds by counties.

c. State Audits

1978-79	$ 903,600
1979-80	$ 1,297,900

Funds are appropriated for audit of the receipt and expenditures of funds by state agencies. Agencies and Funds to be audited during the 1978-80 biennium shall include the following:

1978-79

1) Department of Finance
   Review of the administrative and accounting controls of the state government to provide a basis for reliance thereon in auditing other state agencies. This will include a review of the policies and procedures of various state systems including purchasing, pre-audit, budgeting, accounting, computer operations, and internal audit. These tests will include some transactions in every agency of the government.
2) Capital Construction Fund
3) Salary Improvements for State Employees
4) Coal Miners' Pneumoconiosis Fund
5) Area Development Fund
6) Coal Severance Economic Aid Fund
7) Governor's General Contingency Fund
8) Commonwealth Credit Union
9) Data Processing
10) Federal Revenue Sharing Trust Fund
11) Trust and Revolving Fund Investment Pool
12) Agency-Federal Investment Pools Income
13) Coal Producing County Development Fund
14) Coal Severance Tax - Various Counties
15) Operating Fund Investment Pool Interest Income
16) Central Stores Operation
17) Duplicating - Printing Services
18) Rental Clearing Accounts - Various Buildings
19) Operating Funds for:
    Division of Air Transport

    Bureau of Computer Services
    Office for Policy and Management
    Bureau of Administrative Services
    Bureau of Facilities Management
20) Minimum Foundation Program and related programs
21) Natural Resources and Environmental Protection Cabinet
22) State Treasurer
23) Department of Personnel
24) Bureau of State Police
25) Kentucky Center for Energy Research
26) Murray State University
27) Kentucky State University
28) Kentucky Authority for Educational Television
29) Department of Fish and Wildlife
30) Department of Agriculture
31) Department of Parks
32) Department of Alcoholic Beverage Control
33) Heritage Commission

1979-80
1) General Government (Includes Finance)
2) Development Cabinet
3) Education and the Arts Cabinet
4) Higher Education
5) Department for Human Resources
6) Justice Cabinet
7) Natural Resources and Environmental Protection Cabinet
8) Public Protection and Regulation Cabinet
9) Department of Transportation
10) Teachers' Retirement System
11) Capital Construction
12) Judiciary

The Auditor of Public Accounts shall bill the respective state agencies for costs incurred in the audit of funds. The affected agencies shall pay the bills as submitted.

The Auditor of Public Accounts shall forward a copy of all billings of state agencies to the Department of Finance. The Department of Finance shall interaccount the respective state agencies for the amounts of the billings. The payment required in the paragraph above shall be deemed to have been made upon interaccount.

Proceeds from the billing of state agencies for audit of funds shall be credited to the General Fund.

Auditor of Public Accounts administrative and support costs shall be charged to the appropriate appropriations, and shall be included, where possible, in the billings to the auditees.

The Auditor of Public Accounts shall report in writing each sixty (60) days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. Such reports shall commence September 5, 1978.

No state agency shall enter into any contract with a non-governmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within thirty (30) days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

Any expenses incurred in the auditing of federal disaster relief funds shall be deemed a necessary governmental expense.

TOTAL—AUDITOR OF PUBLIC ACCOUNTS

1978-79 .... $ 1,343,500
1979-80 .... $ 1,748,500

8. SECRETARY OF THE CABINET

1978-79 .... $ 520,300
1979-80 .... $ 545,200

9. GENERAL CONTINGENCY FUND

1978-79 .... $ 2,250,000
1979-80 .... $ 2,250,000

Funds are appropriated for meeting expenses deemed necessary by the Governor, and to be expended by the Governor, at his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

10. CAPITAL PLAZA

1978-79 .... $ 2,252,600

1979-80 .... $ 2,239,300

11. COUNTY COSTS

1978-79 .... $ 19,369,000
1979-80 .... $ 20,136,000

All county costs funded by the General Fund are deemed to be necessary governmental expenses and additional funds may be allotted from the General Fund surplus by the Secretary of the Department of Finance.

12. DEPARTMENT OF FINANCE

a. State Planning Fund

1978-79 .... $ 2,100,000
1979-80 .... $ 2,100,000

Any portion of the above appropriation for the State Planning Fund may be transferred to other major program areas or agencies of state government for the purpose of funding planning studies approved by the State Planning Committee. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

b. General Operations

1978-79 .... $ 13,546,800
1979-80 .... $ 13,467,800

Included in the above appropriation is $150,000 each fiscal year for payment to the city of Frankfort for the provision of fire and police protection and other services for state owned property in accordance with KRS 45.155.

c. Salary Improvements for State Employees

1978-79 .... $ 21,800,000
1979-80 .... $ 18,800,000

Any portion of the above appropriation may be transferred to any major program area or agency of state government for the purpose of meeting salary and benefit improvements for state employees as determined to be needed by the Department of Finance based upon the recommendation of the Department of Personnel.

Any unexpended balance in the account for salary improvements for state employees at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

d. Maxey Flats Operation

1978-79 .... $ 700,000
1979-80 .... $ 700,000

Funds are appropriated for the operations of the Maxey Flats nuclear waste facility. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

e. Coal Miners' Pneumoconiosis Fund

1978-79 .... $ 3,500,000
1979-80 .... $ 3,500,000

These funds are appropriated to the Coal Miners' Pneumoconiosis Fund. This fund shall be used for compensating coal worker claimants entitled to benefits for coal workers' pneumoconiosis or silicosis as defined in KRS Chapter 342. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year. In the event that workmen's compensation premiums, taxes or assessments would be required to increase as a result of insufficient monies in the Coal Miners' Pneumoconiosis Fund, the Governor may transfer from unappropriated general fund surplus, not more than $500,000 in fiscal year 1978-79 and $500,000 in fiscal year 1979-80.

f. Coal Severance Economic Aid Fund

1978-79 .... $ 5,000,000
1979-80 .... $ 5,000,000

Funds are appropriated for the purpose of making grants to the coal severance economic aid boards in accordance with KRS 42.330. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

g. Area Development Fund

1978-79 .... $ 6,000,000
1979-80 .... $ 6,000,000

Funds are appropriated for the purpose of making grants to the area development districts in accordance with Acts 1976, chapter 339, section 2. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

TOTAL—DEPARTMENT OF FINANCE

1978-79 .... $ 52,646,800
1979-80 .... $ 49,567,800

13. GENERAL OBLIGATION BONDS

1978-79 .... $ 10,407,000
1979-80 .... $ 10,423,000

14. COMMISSION ON HUMAN RIGHTS

1978-79	$ 769,700
1979-80	$ 801,100

15. DEPARTMENT FOR LOCAL GOVERNMENT

1978-79	$ 2,988,600
1979-80	$ 3,011,500

16. DEPARTMENT OF MILITARY AFFAIRS

a. General Operations

1978-79	$ 4,057,900
1979-80	$ 2,442,400

Included in the above appropriation is $1,500,000 in fiscal year 1978-79 for payment of the state's share of the cost of the Individual and Family Grant program to the federal government. This payment provides benefits to those individuals in the December, 1978 flood. Also included in the above appropriation is $105,000 in fiscal year 1978-79 to the Division of Disaster and Emergency Services for expenses incurred as a result of the December, 1978 flood.

b. Flood Relief for Counties

1978-79	$ 366,000

An appropriation of $366,000 is made to the Department to pass through to the eighteen counties requiring flood relief. The amount to be received by each county shall be determined by the Department of Military Affairs.

TOTAL—DEPARTMENT OF MILITARY AFFAIRS

1978-79	$ 4,423,900
1979-80	$ 2,442,400

17. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Kentucky Athletic Commission

1978-79	$ 43,700
1979-80	$ 45,700

b. Board of Proprietary Education

1978-79	$ 25,000
1979-80	$ 25,000

TOTAL—OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

1978-79	$ 68,700
1979-80	$ 70,700

18. DEPARTMENT OF PERSONNEL

1978-79	$ 2,864,300
1979-80	$ 3,067,100

Included in the above appropriation is $500,000 in fiscal year 1978-79 and $600,000 in fiscal year 1979-80 for an Automobile Liability Reimbursement program to be administered by the Department of Personnel.

Notwithstanding the provisions of KRS 18.330, the above appropriations are to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Fund or Revolving Trust and Agency Funds. Said appropriations may also be used for special training programs approved by the Secretary of the Department of Finance.

Relative to merit hearings before the Personnel Board, the particular agency of which the complainant is or was an employee shall bear all of the administrative costs thereof whenever the Personnel Board rules in favor of the complainant, such as for example, but not limited to, the fees of court reporters, the printing or other reproduction expenses related to hearing transcripts, and other related matters. Relative to all appeals resulting from merit hearings of the Personnel Board, including appeals to the Circuit Court, Court of Appeals, or the Supreme Court, the particular agency of which the complainant in said hearing is or was an employee shall bear all of the costs thereof whenever the courts rule in favor of the complainant, chargeable to the Personnel Board, such as for example, but not limited to, legal fees and court costs and fees.

19. DEPARTMENT OF PUBLIC INFORMATION

1978-79	$ 4,182,000
1979-80	$ 4,255,000

Included in the above appropriation is $359,700 in fiscal year 1978-79 and $359,700 in fiscal year 1979-80 for the Cooperative Advertising program to encourage and assist local governments and agencies in the promotion of tourist attractions. The department may make matching grants not to exceed fifty percent (50%) of project cost to local governments and agencies for such purpose.

20. DEPARTMENT OF REVENUE

1978-79	$ 23,651,600
1979-80	$ 24,819,900

Included in the above appropriation is $7,833,400 in fiscal year 1978-79 and $8,407,900 in fiscal year 1979-80 for property valuation administrators; any expenses in excess of these amounts for property valuation administrators shall be deemed necessary governmental expenses.

21. FINANCIAL DISCLOSURE REVIEW COMMISSION

1978-79	$ 50,000
1979-80	$ 50,000

22. KENTUCKY PUBLIC EMPLOYEE DEFERRED COMPENSATION SYSTEM

1978-79	$ 86,400
1979-80	$ 90,900

23. COMMISSION ON WOMEN

1978-79	$ 82,700
1979-80	$ 85,500

24. PROSECUTORS ADVISORY COUNCIL

1978-79	$10,244,100
1979-80	$10,652,000

All expenditures concerning Commonwealth Attorneys and County Attorneys will be administered by the Department of Finance while policy determination and decisions relating to discretionary funds will be made by the Prosecutors Advisory Council.

Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

25. KENTUCKY HORSE COUNCIL

1978-79	$ 78,300
1979-80	$ 87,700

26. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION BOARD

1978-79	$ 586,000
1979-80	$ 586,000

Any unexpended balance, not to exceed $150,000, at the close of fiscal year 1978-79 shall not lapse, but shall continue into the 1979-80 fiscal year.

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1978-79	$ 2,320,500
1979-80	$ 2,070,500

All items included within the Appropriations Not Otherwise Classified category shall be deemed necessary governmental expenses, and any expenditure over the above amounts is to be paid from the General Fund surplus. Appropriations Not Otherwise Classified includes the following items:

a. Back Tax Collections

b. Board of Claims Awards

Funds are appropriated for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $500 in cases where the operating agency admits negligence shall be paid from funds available for the operations of such agencies.

c. Judgments

For payment of such judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board; such payments, where applicable, shall be subject to the provisions of KRS Chapter 45. Also, to pay medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.941 and 164.892. However, in no event shall the total payments exceed the sum of $5,500,000 in any fiscal year.

d. Prior Year Claims

e. Unredeemed Checks Refunded

Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with the provisions of KRS 41.370.

f. Confederate Pensions

g. Blanket Employees Bonds

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

h. Franklin Circuit Court

For purposes of supplies and equipment in accordance with KRS 28.165.

i. Frankfort Planning Commission

j. Frankfort Cemetery

k. Public Improvements

Funds are appropriated for paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

l. Money Refunded

For refunding money paid into the State Treasury, which may later be determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and with the approval of the Secretary of the Department of Finance and the Attorney General.

m. Police and Firemen - Life Insurance

Funds are appropriated for payment of benefits for state and local police and firemen in accordance with KRS 61.315.

n. Workmen's Compensation - Fee officers in counties over 75,000 in population

o. Master Commissioners - Employer Retirement

p. Master Commissioners - Social Security

q. Political Parties - Income Tax Checkoff

Funds are appropriated to pay all amounts designated by taxpayers on their income tax returns for remittance to the political party of their choice in accordance with KRS 141.072.

r. Kentucky National Guard

Funds are appropriated to pay all expenditures as a result of the Governor's call of the Kentucky National Guard to active duty, provided that an emergency situation shall have been declared to exist by the Governor.

TOTAL—GENERAL GOVERNMENT

1978-79	$147,579,800
1979-80	$145,706,000

B. DEVELOPMENT

28. OFFICE OF THE SECRETARY

1978-79	$ 4,054,300
1979-80	$ 1,119,700

Included in the above appropriation is $3,000,000 in fiscal year 1978-79 for the Local Convention and Community Centers Fund. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year. Included in the above appropriation is $101,800 for fiscal year 1978-79 and $107,000 in fiscal year 1979-80 for the Office of Developmental Planning.

29. DEPARTMENT OF PARKS

1978-79	$ 15,343,300
1979-80	$ 15,787,800

Included in the above appropriation is $100,000 in fiscal year 1978-79 and $100,000 in fiscal year 1979-80 for the implementation of the "Kentucky Trails System Act" as required by KRS 148.610 through 148.790.

30. DEPARTMENT OF AGRICULTURE

1978-79	$ 5,089,300
1979-80	$ 5,254,400

31. BREAKS INTERSTATE PARK COMMISSION

1978-79	$ 112,500
1979-80	$ 112,500

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at the Breaks Interstate Park. In accordance with the Breaks Interstate Compact this appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively, and any deficit in appropriations by this state may be removed.

32. COUNCIL OF ECONOMIC ADVISORS

1978-79	$ 141,500
1979-80	$ 141,500

33. DEPARTMENT OF COMMERCE

1978-79	$ 3,643,500
1979-80	$ 4,037,700

34. STATE FAIR BOARD

1978-79	$ 3,434,200
1979-80	$ 4,561,800

35. COUNCIL ON AGRICULTURE

1978-79	$ 426,400
1979-80	$ 439,900

36. KENTUCKY DEVELOPMENT FINANCE AUTHORITY

1978-79 $ 3,050,000
1979-80 $ 650,000

Included in the above appropriation is $1,500,000 in fiscal year 1978-79 for the Multi-County Industrial Site Development program. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

Included in the above appropriation is $750,000 in fiscal year 1978-79 and $250,000 in fiscal year 1979-80 for an Agriculture Loan program and $500,000 in fiscal year 1978-79 and $100,000 in fiscal year 1979-80 for a Tourism Loan program.

TOTAL—DEVELOPMENT CABINET
1978-79 $ 35,295,000
1979-80 $ 32,105,300

C. EDUCATION

37. OFFICE OF THE SECRETARY
1978-79 $ 315,000
1979-80 $ 304,500

38. ARTS COMMISSION
a. General Operations
1978-79 $ 351,400
1979-80 $ 353,000
b. Challenge Grants
1978-79 $ 408,000
1979-80 $ 489,600

To be distributed to local arts fund raising organizations in accordance with applicable regulations promulgated by the Kentucky Arts Commission.

TOTAL - ARTS COMMISSION
1978-79 $ 759,400
1979-80 $ 842,600

39. DEPARTMENT OF EDUCATION
a. General Administration and Support Services
1978-79 $ 4,056,900
1979-80 $ 4,146,700
b. Education for Exceptional Children
1) General Operations
1978-79 $ 1,385,000
1979-80 $ 1,522,200
2) Residential Services
1978-79 $ 3,974,500
1979-80 $ 4,627,800

Total—Education for Exceptional Children
1978-79 $ 5,359,500
1979-80 $ 6,150,000

c. School Foundation Program
1978-79 $602,039,300
1979-80 $669,940,900

Accumulated earnings for the Common School Fund shall each fiscal year be transferred to the School Foundation Program.

The amount to be included for the 1978-79 school year in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule, for a term of 185 days for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	$ 12,770	$ 11,000	$ 9,330	$ 7,510	$ 6,630
4-9 years	14,100	12,330	10,760	7,510	6,630
10 years and over	15,290	13,520	12,230	7,510	6,630

Beginning with the school year 1979-80, the amount to be included in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule, for a term of 185 days, for each rank:

Rank	I	II	III	IV	V
Experience					
0-3 years	$ 13,480	$ 11,630	$ 9,780	$ 7,850	$ 6,920
4-9 years	15,320	13,480	11,630	7,850	6,920
10 years and over	16,990	15,140	13,290	7,850	6,920

No working budget or salary schedule shall be approved in which the average salary paid any rank of teachers is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-three percent (93%) of the School Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board for Elementary and Secondary Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has, in fact, been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board for Elementary and Secondary Education, and said Board shall accept such certified determination as final.

The State Board for Elementary and Secondary Education shall not approve any working budgets or salary schedule summaries for local boards of education for the school years 1978-79 and 1979-80 in which the total amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries is not equal to the amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries in the preceding year, plus the additional amount for teachers' salaries received by the district under this appropriation for a 185 day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year in each local school district.

The allotment to any school district of classroom units, pursuant to KRS 157.360(1) shall not exceed the number of teachers employed by that school district.

Entitlement for basic classroom units obtained in schools of one classification shall not be allocated to schools of another classification. For the purposes of determining such entitlement, classification shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

In the determination of allotments pursuant to KRS 157.360(2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance or for any isolated one-teacher school which has fewer than 12 pupils in average daily attendance.

Notwithstanding the provisions of KRS 157.360(5), (6), and (10) the allotments, provision for which is made under this Act, for classroom units shall be as follows:

	1978-79	1979-80
Vocational Education	2,782	2,857
Exceptional Children	3,710	4,110
Kindergarten	800	1,240

Provided, however, that if the budgeted units in any category of classroom units — Vocational Education, Exceptional Children, Kindergarten, and classroom units for elementary and secondary schools — prove to be excessive, the surplus not to exceed (100) such classroom units may be reallocated to any other category or categories by the Superintendent of Public Instruction, upon the approval of the State Board for Elementary and Secondary Education, the Secretary of the Department of Finance, and the Governor.

In the event the total number of Vocational Contract units for pupils attending state vocational-technical schools or state-operated vocational education centers falls short of the projected 650 units in the 1978-79 school year or 625 units in the 1979-80 school year, the Superintendent of Public Instruction is hereby authorized, with written approval of the Secretary of the Department of Finance, to transfer funds from the School Foundation Program appropriation to the Bureau of Vocational Education for the purpose of supporting vocational education programs for the Kentucky public school system. In no event, however, shall the funds authorized to be transferred under this authority exceed the unit value difference between the actual contract units and 650 in the 1978-79 school year and the unit value difference between the actual contract units and 625 in the 1979-80 school year, provided that nothing herein shall jeopardize the School Foundation Program funding of the public common schools.

Allotments for classroom units pursuant to KRS 157.360(7) shall only be for those personnel enumerated under said section who are qualified for their respective positions under applicable provisions of law and regulations and who maintain programs which have been approved pursuant to applicable regulations.

The amount to be included in the Foundation Program for other current expenses in the 1978-80 biennium shall be determined by multiplying the number of classroom units by: $2,650 in the 1978-79 school year and $2,950 in the 1979-80 school year.

The amount to be included in the Foundation Program for capital outlay shall be determined by multiplying the number of classroom units by: $1,800 in the 1978-79 school year and $1,900 in the 1979-80 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board for Elementary and Secondary Education may adopt regulations for the housing of school children. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than 185 days or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the Foundation Program fund at the end of the fiscal year 1978-79 and 1979-80 shall lapse to the General Fund except where provisions to the contrary are provided in this Act. No unexpended portions of the School Foundation Program fund shall be expended at any time for the purpose of KRS 156.610 through 156.650 except as identified in this Act.

The total appropriation for the School Foundation Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 et. seq. If the required expenditures exceed these estimates, the Secretary of the Department of Finance, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, of the total appropriation to the Foundation Program is subject to Part V, General Provisions, Section 9, of this Act, and the provisions of KRS 45.160.

d. Power Equalization

1978-79	$ 21,000,000
1979-80	$ 31,500,000

Funds are appropriated for the purpose of equalizing expenditures among students in local school districts in accordance with KRS 157.545 - 157.575.

e. Gifted Students

1978-79	$ 565,700
1979-80	$ 1,118,600

Funds are appropriated for the purpose of supporting a program for gifted or talented school-aged children in Kentucky's public schools in accordance with applicable regulations promulgated by the State Board for Elementary and Secondary Education.

f. Remedial Education

1979-80	$ 1,750,000

These funds are appropriated for the purpose of supporting a remedial education program in conjunction with the Department of Education's statewide diagnostic testing program. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

g. Juvenile Delinquency Prevention

1978-79	$ 150,000
1979-80	$ 200,000

Funds are appropriated for the purpose of deterring juvenile delinquency by supporting special educational services for delinquent school-aged youth in Kentucky's public schools. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

h. Instruction

1978-79	$ 9,554,100
1979-80	$ 11,106,500

Included in the above appropriation is $7,728,500 in fiscal year 1978-79 and $9,386,300 in fiscal year 1979-80 for the purchase of free textbooks in public schools.

i. Administration and Finance for Local School Systems

1978-79	$ 1,171,100
1979-80	$ 1,226,000

j. Out-of-District Children

1978-79	$ 1,488,900
1979-80	$ 1,879,400

Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

Funds are provided for reimbursement to local school districts for programs provided in accordance with KRS 158.135 and applicable regulations. Provided, however, that if sufficient funds are not available to reimburse each district for the total cost of the services, each allocation shall be reduced in accordance with Part V, General Provisions, Section 9 of this Act.

k. Teacher Life Insurance

1978-79	$ 776,300
1979-80	$ 766,200

For providing life insurance to each full-time certificated and non-certificated employee of local boards of education..

l. Committee for School District Audits

1978-79	$ 227,100

1979-80	$ 244,500

m. Replacement of Student Fees

1978-79	$ 12,610,000
1979-80	$ 12,740,000

To be distributed to local school districts in accordance with appropriate administrative regulations to be promulgated by the Department of Education, for the abolishment of student fees. Twenty-five percent of each such allotment to local school districts shall be used for purchasing instructional materials.

n. Teacher Health Insurance

1978-79	$ 17,183,900
1979-80	$ 15,850,200

Funds are provided for the purchase of medical insurance for certificated and non-certificated full-time employees of local boards of education pursuant to applicable statutes and regulations. If the cost for life insurance or health insurance exceeds the level of appropriated funds in either of these categories, any unexpended School Foundation Program funds may be used to offset such expenditures, subject to the approval of the Secretary of the Department of Finance.

o. State School Lunch Assistance

1978-79	$ 3,407,300
1979-80	$ 3,560,000

p. Vocational Education

1978-79	$ 31,721,600
1979-80	$ 35,231,300

Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year; if in the determination of the Superintendent of Public Instruction and the Secretary of the Department of Finance it is necessary for the continued operation of vocational education facilities.

q. Rehabilitation Services

1978-79	$ 2,934,600
1979-80	$ 3,384,900

TOTAL—DEPARTMENT OF EDUCATION

1978-79	$714,246,300
1979-80	$800,795,200

40. KENTUCKY EDUCATIONAL TELEVISION

1978-79	$ 6,146,400
1979-80	$ 6,386,000

Included in the above appropriation is $614,650 in fiscal year 1978-79 and $612,750 in fiscal year 1979-80 for debt service.

41. HERITAGE COMMISSION

1978-79	$ 831,000
1979-80	$ 831,000

42. HISTORICAL SOCIETY

1978-79	$ 1,018,700
1979-80	$ 1,078,200

43. DEPARTMENT OF LIBRARY AND ARCHIVES

1978-79	$ 5,573,600
1979-80	$ 5,697,200

44. BUREAU FOR THE BLIND

1978-79	$ 739,700
1979-80	$ 755,400

Included in the above appropriation is $297,300 in fiscal year 1978-79 and $313,000 in fiscal year 1979-80 for Kentucky Industries for the Blind. Also included is not less than $160,000 in fiscal year 1978-79 and not less than $160,000 in fiscal year 1979-80 for direct client service authorizations in the General Blind Services program.

45. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

1978-79	$ 11,200
1979-80	$ 11,200

46. KENTUCKY SCHOOL BUILDING AUTHORITY

1978-79	$ 80,000
1979-80	$ 80,000

TOTAL—EDUCATION AND ARTS

1978-79	$729,721,300
1979-80	$816,781,300

47. TEACHERS' RETIREMENT SYSTEM

1978-79	$ 68,576,300
1979-80	$ 76,518,500

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 through 161.710.

48. COUNCIL ON HIGHER EDUCATION

1978-79	$ 8,056,100
1979-80	$ 7,598,700

Included in the $8,056,100 appropriation for the 1978-79 fiscal year is $1,374,100 for General Administration and Support activities; $1,290,900 for Statewide Operations; $475,000 for Regional Operations; $1,826,500 for the Area Health Education System; and $3,089,600 for the Institutional Pools.

Included in the $7,598,700 appropriation for fiscal year 1979-80 is $1,429,300 for General Administration and Support; $1,403,300 for Statewide Operations; $550,000 for Regional Operations; $1,626,500 for the Area Health Education System; and $2,589,600 for the Institutional Pools.

Any unexpended balance at the close of the 1978-79 fiscal year for the Area Health Education System shall not lapse, but shall continue into the 1979-80 fiscal year.

In fiscal year 1978-79, $2,500,000 and in fiscal year 1979-80, $2,000,000 is appropriated to the Council on Higher Education for allocation to the institutions of public higher education for undergraduate enrollment growth and program development. Any distribution of the funds for enrollment growth purposes shall be computed based upon the following factors.

1. The Council on Higher Education shall submit to Office for Policy and Management, Department of Finance, on or before July 1 for the fiscal year for which the appropriation is available, all cost data, computations, and recommendations for distributing the funds for enrollment growth.
2. Recommendations to the Office for Policy and Management for allotment purposes shall be based upon the projected fall undergraduate credit hour production for the fiscal year in which the appropriation is available with a computation of the full time equivalent enrollments and credit hour production in the undergraduate programs for the two preceding fall and spring semesters.
3. The Council on Higher Education shall also furnish the Office for Policy and Management computations which reflect the total actual cost per credit hour and the amount of that cost which is supported by the state appropriation for the latest fiscal year that the data can be obtained. In furnishing such information the Council on Higher Education shall identify separately data regarding the University of Kentucky Community College system.
4. There is hereby established for calculation and distribution purposes an enrollment growth pool base year. This base year shall be defined as the level of undergraduate enrollments for the fall semester 1975 as calculated by the Council on Higher Education and utilized for distribution purposes in fiscal year 1976-77.
5. Enrollment growth computations after fiscal year 1975-76 shall be expressed as factors of this base. Allocations for enrollment increases over this base shall be reduced by allotments already received since the establishment of the base, except that any allotment for this purpose, for a preceding year shall not be reduced.
6. The amount to be distributed to each institution shall be based upon the analysis of cost as determined by the Council and projected growth, if any, in the number of undergraduate credit hours to be produced.
7. Institutions receiving enrollment growth funds in 1978-79 and 1979-80 based upon projected increases, which do not attain the projected levels will have that portion of the funds returned to the Council on Higher Education prior to April 1, 1979, and April 1, 1980.

Also, included in the Institutional Pools program is $589,600 each year of the biennium for the purposes of upgrading faculty salary levels at the regional universities and the community colleges. The Council shall notify the institutions of the distribution of funds on or prior to April 1, 1978. The distribution is to be effected prior to August 1, 1978 pending a review by the Council of the institutions faculty salary levels, and subsequent recommendation to the Office for Policy and Management.

49. HIGHER EDUCATION ASSISTANCE AUTHORITY

1978-79	$ 4,050,000
1979-80	$ 3,900,000

In fiscal year 1978-79 and 1979-80 $2,000,000 is appropriated for the State Student Incentive Grant Program. The Kentucky Tuition Grant Program is appropriated $1,900,000 in fiscal year 1978-79 and $1,900,000 in fiscal year 1979-80. Also, $150,000 is appropriated in fiscal year 1978-79 for the Commonwealth Work/Study program.

50. UNIVERSITY OF KENTUCKY

1978-79	$112,110,100
1979-80	$123,187,800

51. UNIVERSITY OF LOUISVILLE

1978-79	$ 56,386,100
1979-80	$ 64,971,200

52. EASTERN KENTUCKY UNIVERSITY

1978-79	$ 25,794,600
1979-80	$ 27,780,400

53. WESTERN KENTUCKY UNIVERSITY

1978-79	$ 24,654,700
1979-80	$ 26,356,500

54. MOREHEAD STATE UNIVERSITY

1978-79	$ 15,799,400
1979-80	$ 16,953,900

55. MURRAY STATE UNIVERSITY

1978-79	$ 19,107,700
1979-80	$ 20,874,900

56. KENTUCKY STATE UNIVERSITY

1978-79	$ 7,567,500
1979-80	$ 8.587.600

57. NORTHERN KENTUCKY UNIVERSITY

1978-79	$ 13,334,800
1979-80	$ 14,400,300

TOTAL—HIGHER EDUCATION

1978-79	$286,861,000
1979-80	$314,611,300

D. HUMAN RESOURCES

58. DEPARTMENT FOR HUMAN RESOURCES

a. Bureau for Social Insurance

1. Administration

1978-79	$ 22,415,600
1979-80	$ 23,776,100

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the bureau, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Department of Finance. Notwithstanding KRS 45.235, any unexpended balance not used for Public Assistance Benefits remaining at the close of the 1978-79 fiscal year shall lapse.

2. Benefits

1978-79	$129,588,900
1979-80	$136,737,100

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance.

Included in the above appropriation for benefits is not more than $90,000 in fiscal year 1978-79 and not more than $90,000 in fiscal year 1979-80 to be utilized for the purpose of providing dentures as an optional program service to recipients of medical assistance. Except that any unused portion of the $90,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $90,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of dentures shall cease as an optional program service under medical assistance.

Also, included in the above appropriation for benefits is not more than $750,000 in fiscal year 1978-79 and not more than $750,000 in fiscal year 1979-80 to be utilized for a program of short-term crisis assistance. Except that any unused portion of the $750,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $750,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of short-term crisis assistance shall cease.

No portion of this appropriation may be used for the costs of administration except with the prior written approval of the Governor. In no instance shall the unexpended balance carried forward, as provided by KRS 45.235, or any portion thereof be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Department of Finance.

All medical assistance vendor statements for services rendered as a result of bona fide claims for medical care may be paid in the fiscal year in which such statements are received by the paying agency.

b. Bureau for Manpower Services
1978-79 .... $ 580,000
1979-80 .... $ 580,000

c. Bureau for Health Services
1978-79 .... $ 61,851,300
1979-80 .... $ 66,744,300

Included in the above appropriation is not more than $658,500 in fiscal year 1979-80 in Mental Health and Mental Retardation Services Program for personnel and operations of a facility for chronically mentally ill adults at the former Paris Respiratory Disease Hospital and not more than $1,266,500 in fiscal year 1979-80 in the Local Health Administration and Grant Program for the Early and Periodic Screening, Diagnosis, and Treatment program demonstration project.

d. Bureau for Social Services
1978-79 .... $ 26,439,900
1979-80 .... $ 28,567,100

e. Executive Policy Support
1978-79 .... $ 9,416,700
1979-80 .... $ 9,352,700

TOTAL—HUMAN RESOURCES
1978-79 .... $250,292,400
1979-80 .... $265,757,300

E. JUDICIARY

59. JUDICIARY

a. Court Operation and Administration
1978-79 .... $ 34,575,700
1979-80 .... $ 35,868,800

To be used for the purposes of the Supreme Court, Court of Appeals, Circuit Court, District Court, Clerk of Supreme Court, Court Administrators, the Administrative Office of the Court, Pretrial Release, Judicial Boards and Commissions, Judicial Retirement, and for services performed by the Circuit Clerk offices, including both circuit and district court support. The specific allocation of clerk personnel and operating expenses shall be made by the Administrative Office of the Court of Justice, based on the statewide need.

Excluded from the above appropriation are funds for all judges' salary increases.

Included in the above appropriation is $296,000 in fiscal year 1978-79 and $296,000 in fiscal year 1979-80 to be used for employment of secretary/recorders for district judges. The specific allocation of district court secretary/recorders and operating expenses shall be made by the Administrative Office of the Court of Justice based upon the same procedures for the allocation of circuit clerk deputies.

b. Local Facility Support
1978-79 .... $ 4,814,400
1979-80 .... $ 5,202,200

To be used to secure court facilities to support the Unified Court of Justice system.

TOTAL—JUDICIARY
1978-79 .... $ 39,390,100
1979-80 .... $ 41,071,000

F. JUSTICE

60. DEPARTMENT OF JUSTICE

a. Bureau of Training
1978-79 .... $ 1,611,000
1979-80 .... $ 1,637,500

b. Bureau of Corrections
1978-79 .... $ 26,838,100
1979-80 .... $ 28,762,900

Included in the above appropriation for the Bureau of Corrections in fiscal year 1978-79 is $435,000 to purchase the necessary equipment for the manufacturing of license plates by Correctional Industries.

c. Bureau of State Police

1978-79	$ 37,453,700
1979-80	$ 39,749,500

Any extraordinary expenditures of funds as a result of the Governor's call of the Kentucky State Police to extraordinary duty is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor. This section shall become effective immediately upon its enactment by the General Assembly and approval by the Governor and shall be deemed to be retroactive for the 1977-78 fiscal year.

d. Public Advocate

1978-79	$ 3,012,700
1979-80	$ 3,364,900

e. Justice Administration

1978-79	$ 8,432,200
1979-80	$ 8,484,100

The annual criminal justice plan developed by the Department of Justice as required by Federal law shall be submitted upon publication to the Interim Joint Appropriations and Revenue Committee.

TOTAL—DEPARTMENT OF JUSTICE

1978-79	$ 77,347,700
1979-80	$ 81,998,900

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

61. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources

1978-79	$ 10,226,000
1979-80	$ 8,915,800

Not less than $60,000 of the appropriation for each fiscal year shall be set aside for emergency forest fire suppression. Any expenditure for emergency fire suppression in excess of this amount in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor.

b. Bureau for Environmental Protection

1978-79	$ 5,458,000
1979-80	$ 5,543,400

In the event that enabling legislation to implement a vehicle emissions inspection program is not enacted by the 1978 General Assembly, $220,400 in fiscal year 1978-1979 and $34,000 in fiscal year 1979-80 of the above appropriations shall remain unallotted and shall lapse to the credit of the General Fund and the Secretary of the Department of Finance is hereby authorized to transfer $100,000 in fiscal year 1979-80 to the Bureau for Natural Resources for the purpose of equipment replacement and $6,000 in fiscal year 1978-79 and $6,000 in fiscal year 1979-80 to the Kentucky Nature Preserves Commission for the purpose of agency operations.

c. Bureau for Surface Mining Reclamation and Enforcement

1978-79	$ 3,867,400
1979-80	$ 4,493,100

Included in the above appropriation is $300,000 in fiscal year 1979-80 for the Small Coal Operators Assistance Program as enacted in the 1979 extraordinary session of the General Assembly. In the event that this legislation is not enacted, the $300,000 shall remain unallotted and shall lapse to the credit of the General Fund.

d. General Administration and Support

1978-79	$ 1,724,700
1979-80	$ 1,797,100

TOTAL—DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1978-79	$ 21,276,100
1979-80	$ 20,749,400

62. ENVIRONMENTAL QUALITY COMMISSION

1978-79	$ 47,500
1979-80	$ 47,500

63. KENTUCKY NATURE PRESERVES COMMISSION

1978-79	$ 97,400
1979-80	$ 104,100

TOTAL—NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1978-79	$ 21,421,000
1979-80	$ 20,901,000

H. PUBLIC PROTECTION AND REGULATION

64. OFFICE OF THE SECRETARY

1978-79	$ 168,700
1979-80	$ 177,600

65. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1978-79	$ 943,300
1979-80	$ 966,100

66. DEPARTMENT OF BANKING AND SECURITIES

1978-79	$ 1,602,600
1979-80	$ 1,679,800

Notwithstanding the provision of KRS 47.130, receipts collected by the Department shall be paid into the General Fund.

67. BOARD OF TAX APPEALS

1978-79	$ 118,300
1979-80	$ 121,300

68. DEPARTMENT OF INSURANCE

1978-79	$ 1,393,900
1979-80	$ 1,421,700

69. DEPARTMENT OF LABOR

1978-79	$ 1,183,700
1979-80	$ 1,204,400

70. REGISTRY OF ELECTION FINANCE

1978-79	$ 180,500
1979-80	$ 189,500

71. DEPARTMENT OF MINES AND MINERALS

1978-79	$ 4,080,900
1979-80	$ 3,885,400

72. PUBLIC SERVICE COMMISSION

1978-79	$ 2,220,400
1979-80	$ 2,346,100

Included in the above appropriation is $173,300 in fiscal year 1978-79 and $169,000 in fiscal year 1979-80 for compliance with the National Energy Plan (PL 95-617 through PL 95-621).

73. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

1978-79	$ 81,000
1979-80	$ 84,000

74. KENTUCKY STATE RACING COMMISSION

1978-79	$ 444,200
1979-80	$ 501,800

75. KENTUCKY HARNESS RACING COMMISSION

1978-79	$ 312,300
1979-80	$ 330,900

76. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

1978-79	$ 3,137,700
1979-80	$ 3,274,100

TOTAL—PUBLIC PROTECTION AND REGULATION

1978-79	$ 15,867,500
1979-80	$ 16,182,700

I. TRANSPORTATION

77. DEPARTMENT OF TRANSPORTATION

a. Air Transportation

1978-79	$ 2,473,400
1979-80	$ 2,698,300

Included in the above appropriation is $2,080,300 in fiscal year 1978-79 and $2,498,700 in fiscal year 1979-80 for the Airport Development Fund. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

b. Water Transportation

1978-79 .... $ 965,000
1979-80 .... $ 1,009,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

c. Rail Transportation

1978-79 .... $ 476,000
1979-80 .... $ 776,000

Included in the above appropriation is $420,000 in fiscal year 1978-79 and $720,000 in fiscal year 1979-80 for the purpose of establishing a Railroad Development program. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

d. Public Transportation

1978-79 .... $ 703,400
1979-80 .... $ 703,400

Included in the above appropriation is $500,000 each fiscal year for the purchase of general municipal transportation vehicles. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

e. General Administration and Support

1978-79 .... $ 580,900
1979-80 .... $ 580,900

Included in the above appropriation is $125,000 each fiscal year for the purpose of conducting a continuing statewide transportation systems planning program relating to rail, water and air freight, and commodity movement. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

f. Highways

1) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79 .... $ 3,824,600
1979-80 .... $ 4,014,500

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

2) Energy Road Fund

1978-79 .... $ 13,000,000
1979-80 .... $ 13,000,000

These funds are appropriated to the Energy Road Fund. This fund shall be used for the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge in "coal producing counties" as defined by law. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

3) Emergency Medical Transportation

1978-79 .... $ 189,000

The above appropriation shall be used to defray costs incurred by the Department of Transportation for the provision of ferry services, including helicopter emergency medical transportation, for an alternate means of crossing the Ohio River at South Shore, Kentucky, while the U.S. Grant Bridge is closed. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79 .... $ 22,212,300
1979-80 .... $ 22,782,600

J. ENERGY

78. DEPARTMENT OF ENERGY

a. General Operations

1978-79 .... $ 6,853,300
1979-80 .... $ 7,216,100

b. Demonstration Trust Fund

1978-79 .... $ 1,000,000

The Department of Energy will be responsible for the functions previously carried out by the Kentucky Center for Energy Research and the Department of Energy.

TOTAL—DEPARTMENT OF ENERGY

1978-79 .... $ 7,853,300
1979-80 .... $ 7,216,100

PART II

TRUST AND AGENCY FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1979, and for the fiscal year ending June 30, 1980, all of the fees (which include fees for board and room, athletics, and student activities) and rental, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, Federal grants and other Federal funds received, contributions, income from investments and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Trust and Revolving, or an Agency Fund out of which shall be established separate Trust and Revolving or Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All funds received are appropriated and shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapters 12, 42, and 45.

In the event receipts received and credited to any Trust and Revolving or Agency Fund account during fiscal year 1978-79 or fiscal year 1979-80 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account for the fiscal year in which the excess occurs; provided, however, that with the exception of Federal grants and other Federal funds received, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Executive Director of the Office for Policy and Management upon approval of the Secretary of the Department of Finance.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Trust and Revolving or Agency Fund account, through the Department of Finance, during the fiscal year ending June 30, 1979, and during the fiscal year ending June 30, 1980, all receipts placed to the credit of the Trust and Revolving or Agency Fund for such year, out of which has been established a Trust and Revolving or Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Department of Finance. On or before the beginning of each fiscal year, each agency shall submit to the Department of Finance and schedules showing estimated receipts and estimated expenditures by quarterly period.

A. GENERAL GOVERNMENT

1. AUDITOR OF PUBLIC ACCOUNTS
   a. Auditing County Governments
2. SECRETARY OF STATE

Notwithstanding the provisions of KRS 271A.625, KRS 271A.630, KRS 271A.635, and KRS 56.300; all the operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Fund.

3. CAPITAL PLAZA

a.	Commercial Area	
	1978-79	$ 104,000
	1979-80	$ 99,000
b.	Recreation and Entertainment Facilities	
	1978-79	$ 115,400
	1979-80	$ 120,500
c.	Debt Service	

4. [DEPARTMENT OF FINANCE

All funds received under the federal Public Works Employment Act of 1976, Title II, Public Law 94-369 as amended by Title VI of Public Law 95-30 and as subsequently reenacted or amended are hereby appropriated to the Department of Finance to be used for the maintenance of basic services in and among the various agencies, cabinets, and departments of state government. Any portion of these funds may be transferred to other major program areas or agencies of state government for the purpose of continuing basic services; provided, however, that such transfers shall be used to reduce General Fund appropriations and shall not in any way increase the expenditure level authorized by the General Assembly.

5. KENTUCKY RETIREMENT SYSTEMS

6. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

		1978-79	1979-80
a.	Board of Accountancy	$ 94,800	$124,900
b.	Board of Architects	$ 52,000	$ 53,100
c.	Board of Auctioneers	$ 48,700	$ 48,700
d.	Board of Barbers	$105,200	$111,700
e.	Board of Chiropractic Examiners	$ 36,000	$ 39,000
f.	Board of Dental Examiners	$ 79,000	$ 83,700

g.	Board of Embalmers and Funeral Directors	$ 43,800	$ 51,600
h.	Board of Engineers and Land Surveyors	$125,400	$128,800
i.	Board of Hairdressers and Cosmetologists	$311,400	$297,500
j.	Board of Hearing Aid Dealers	$ 8,500	$ 8,200
k.	Board of Landscape Architecture	$ 8,300	$ 8,600
l.	Board of Medical Licensure	$145,500	$145,500
m.	Board of Nurses	$320,100	$335,300
n.	Nursing Home Administrators Licensure Board	$ 24,900	$ 25,500
o.	Board of Ophthalmic Dispensers	$ 6,200	$ 6,300
p.	Board of Optometric Examiners	$ 18,400	$ 18,400
q.	Board of Pharmacy	$163,600	$171,600
r.	Board of Physical Therapy	$ 13,600	$ 15,000
s.	Board of Podiatry	$ 2,500	$ 2,500
t.	Board of Proprietary Education	$ 41,400	$ 44,300
u.	Board of Psychology	$ 17,000	$ 16,700
v.	Real Estate Commission		
	1. Examination and Licensing	$266,800	$277,800
	2. Real Estate Education Research and Recovery	$349,500	$357,500
w.	Board of Social Workers	$ 40,300	$ 42,100
x.	Board of Speech Pathologists and Audiologists	$ 6,900	$ 6,500
y.	Board of Veterinary Examiners	$ 18,600	$ 18,600
z.	Board of Watchmaking	$ 9,300	$ 9,300

7. DEPARTMENT OF PERSONNEL

8. DEPARTMENT OF REVENUE

9. COUNTY FEES

County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell, and Daviess are for paying the various officials of each county enumerated, seventy-five percent (75 percent) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Secretary of the Department of Finance, and to pay the Fiscal Court of each of said counties twenty-five percent (25 percent) of said fees as required by KRS 64.350.

10. MILITARY AFFAIRS

11. DEPARTMENT OF LAW

a.	Uninsured Employers Fund	
	1978-79	$ 331,000
	1979-80	$ 354,500
b.	Anti-Trust Unit	
	1978-79	$ 124,000
	1979-80	$ 32,500

12. KENTUCKY HORSE COUNCIL

13. BOARD OF ELECTIONS

1978-79	$ 25,000
1979-80	$ 25,000

14. DEPARTMENT FOR LOCAL GOVERNMENT

B. DEVELOPMENT

15. OFFICE OF THE SECRETARY
    1978-79 .... $ 150,000
    1979-80 .... $ 150,000

16. DEPARTMENT OF PARKS
    1978-79 .... $ 20,162,400
    1979-80 .... $ 21,937,000

17. DEPARTMENT OF AGRICULTURE
    1978-79 .... $ 1,881,000
    1979-80 .... $ 1,910,800

18. DEPARTMENT OF FISH AND WILDLIFE

19. DEPARTMENT OF COMMERCE
    1978-79 .... $ 460,000
    1979-80 .... $ 354,000

20. STATE FAIR BOARD
    1978-79 .... $ 7,457,200
    1979-80 .... $ 7,396,000

21. KENTUCKY INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY
    1978-79 .... $ 1,303,400
    1979-80 .... $ 851,000

C. EDUCATION

22. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

23. OFFICE OF THE SECRETARY

24. ARTS COMMISSION

25. DEPARTMENT OF EDUCATION
    a. General Administration and Support Services
    b. Education for Exceptional Children
        1978-79 .... $ 5,414,200
        1979-80 .... $ 7,901,900
    c. Instruction
        1978-79 .... $ 45,000,000
        1979-80 .... $ 45,000,000
    d. Administration and Finance for Local School Systems
    e. Vocational Education
        1978-79 .... $ 28,000,000
        1979-80 .... $ 28,000,000
    f. Vocational Rehabilitation
        1978-79 .... $ 15,000,000
        1979-80 .... $ 16,000,000

26. KENTUCKY EDUCATIONAL TELEVISION

27. HERITAGE COMMISSION

28. HISTORICAL SOCIETY

29. DEPARTMENT OF LIBRARY AND ARCHIVES

30. BUREAU FOR THE BLIND

31. TEACHER'S RETIREMENT SYSTEM

32. COUNCIL ON HIGHER EDUCATION
    1978-79 .... $ 316,700
    1979-80 .... $ 297,100

33. HIGHER EDUCATION ASSISTANCE AUTHORITY

Those fund balances in the student loan program may with the approval of the Office for Policy and Management be expended for loans, loan reserves, and other purposes related to the Authority's implementation of the state insured loan program.

34. UNIVERSITY OF KENTUCKY

35. UNIVERSITY OF LOUISVILLE

36. EASTERN KENTUCKY UNIVERSITY

37. WESTERN KENTUCKY UNIVERSITY

38. MOREHEAD STATE UNIVERSITY

39. MURRAY STATE UNIVERSITY

40. KENTUCKY STATE UNIVERSITY

41. NORTHERN KENTUCKY UNIVERSITY

D. HUMAN RESOURCES

42. DEPARTMENT FOR HUMAN RESOURCES

a.	Bureau for Social Insurance	
	1978-79	$420,869,800
	1979-80	$437,610,300
b.	Bureau for Manpower Services	
	1978-79	$ 58,329,000
	1979-80	$ 54,415,400
c.	Bureau for Health Services	
	1978-79	$ 56,751,900
	1979-80	$ 59,887,300
d.	Bureau for Social Services	
	1978-79	$ 59,725,000
	1979-80	$ 61,755,800
e.	Executive Policy Support	
	1978-79	$ 16,906,900
	1979-80	$ 18,652,600

E. JUDICIARY

43. JUDICIARY

1978-79	$ 973,600
1979-80	$ 974,300

F. JUSTICE

44. DEPARTMENT OF JUSTICE

a.	Bureau of Training	
	1978-79	$ 125,500
	1979-80	$ 132,100
b.	Bureau of Corrections	
	1978-79	$ 2,164,800
	1979-80	$ 1,987,600
c.	Bureau of State Police	
	1978-79	$ 777,000
	1979-80	$ 450,000
d.	Public Defender	
	1978-79	$ 50,700
	1979-80	$ 29,500
e.	Justice Administration	
	1978-79	$ 6,421,300
	1979-80	$ 6,598,700

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

45. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a.	Bureau for Natural Resources	
	1978-79	$ 485,000
	1979-80	$ 485,000
b.	Bureau for Environmental Protection	

1978-79 .... $ 550,000
1979-80 .... $ 1,415,000

c. General Administration and Support
1978-79 .... $ 325,000
1979-80 .... $ 325,000

d. Bureau for Surface Mining Reclamation and Enforcement

H. PUBLIC PROTECTION AND REGULATION

46. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1978-79 .... $ 3,000
1979-80 .... $ 3,000

47. DEPARTMENT OF INSURANCE

48. DEPARTMENT OF LABOR
a. Occupational Safety and Health
1978-79 .... $ 3,574,400
1979-80 .... $ 3,798,400
b. Special Fund
c. Elevator Safety
1978-79 .... $ 43,600
1979-80 .... $ 43,600
d. Workmen's Compensation Board
1978-79 .... $ 1,906,900
1979-80 .... $ 1,979,300

For the general operations of the Workmen's Compensation Board and administrative services provided to the Board through the General Administration and Support program.

49. DEPARTMENT OF MINES AND MINERALS
1978-79 .... $ 447,800
1979-80 .... $ 491,000

50. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

51. KENTUCKY STATE RACING COMMISSION

52. KENTUCKY HARNESS RACING COMMISSION

53. PUBLIC SERVICE COMMISSION

54. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

I. TRANSPORTATION

55. DEPARTMENT OF TRANSPORTATION
a. Air Transportation
1978-79 .... $ 5,532,500
1979-80 .... $ 8,276,200
b. Water Transportation
c. Rail Transportation
d. Mass Transportation
e. General Administration
f. Highways
1) Bureau of Highways
2) Bureau of Vehicle Regulation
1978-79 .... $ 1,551,500
1979-80 .... $ 1,570,600

J. ENERGY

56. DEPARTMENT OF ENERGY
1978-79 .... $ 3,860,700
1979-80 .... $ 2,571,700

PART III

TRANSPORTATION FUND

Monies in the Transportation Fund are appropriated for use by the Department of Transportation in its activities, functions, and duties performed by it as prescribed by law. The Transportation Fund shall consist of all the state revenues realized from fees, taxes, and license fees levied for state road purposes authorized by law, and any additional or other revenues, grants, or funds, including any amount which may be received from Federal aid, bond funds, General Funds appropriated, or any other sources pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Transportation. Such receipts and revenues, and unappropriated surplus, together with any balance as of June 30, 1978, shall constitute the Transportation Fund for the fiscal years 1978-79 and 1979-80 respectively. An annual budget for each fiscal year shall be submitted by the Department of Transportation to the Department of Finance for approval by June 1, 1978, for fiscal year 1978-79 and by June 1, 1979, for fiscal year 1979-80. The budget shall be based upon the most current State Road Fund estimates and Surplus, estimates of contractual and noncontractual Federal aid, General Fund appropriated, and funds and fees from any other source.

In the event the State Road Fund estimates are revised during the biennium the Department of Transportation shall submit its annual budget based upon the new estimates. These estimates are to be certified by the Commissioner of Revenue to the Secretary of the Department of Finance and upon the approval of the Governor the Secretary of the Department of Finance shall make the appropriate increases or decreases to the Department of Transportation's annual budget. If the State Road Fund estimates are increased or decreased during a fiscal year the Department of Transportation shall request from the Department of Finance with approval of the Governor authority to increase or decrease its annual budget in accordance with Part V, General Provisions, Section 9 of this Act. The following monies are appropriated from the State Road Fund.

A. TRANSPORTATION

1. DEPARTMENT OF TRANSPORTATION

a. General Administration

1978-79	$ 32,494,200
1979-80	$ 33,413,700

b. Highways

1) Bureau of Highways

1978-79	$371,693,500
1979-80	$380,394,000

Included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $15,000,000 for the County Road Aid program. Also included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $5,000,000 for the Municipal Aid program. In the event that the United States Congress fails to provide funding for the establishment of a "Federal Coal Haul Road System", $10,000,000 in fiscal year 1979-80 of state Road Fund monies shall be used for the County Road Aid program.

a) Rural Highways

i. County Road Aid. For construction, reconstruction, improvement, and maintenance of county roads and bridges the designated portion of all revenue received pursuant to KRS 138.220 and 138.565 shall be expended in accordance with KRS 177.320(2). These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360.

ii. Rural Secondary Roads. For construction, reconstruction, and maintenance of rural and secondary roads, the designated portion of all revenue received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended in accordance with KRS 177.320. These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360. In addition, pursuant to the duties and responsibilities of county judges/executives associated with the administration of the local county road program, beginning January 1, 1978, the expense allowance for each county judge/executive shall be paid from the Transportation Fund. These expenses shall be paid from those appropriated funds for the rural secondary road revenue sharing program as provided in KRS 177.360 and KRS 67.

b) Municipal Aid. For the construction, reconstruction, and maintenance of urban roads, streets, and bridges, the designated amounts received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended and distributed in accordance with KRS 177.365 through 177.368.

2) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79	$ 2,642,100
1979-80	$ 3,278,200

Total—Highways

1978-79	$374,335,600
1979-80	$383,672,200

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79	$406,829,800
1979-80	$417,085,900

PART IV
CAPITAL CONSTRUCTION FUND
A. GENERAL FUND

1. DEPARTMENT OF FINANCE

1978-79 .... $ 4,396,400

Monies are appropriated for capital projects among those enumerated in the budget document and among those capital projects previously and partially funded by the 1974 General Assembly and those projects authorized by the 1976 Extraordinary Session, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and administrative costs relating to the design, construction, and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects, dam repair and maintenance, flood damage abatement projects, sewer projects and loans and grants in aid for capital purposes, the provisions of subsection (9) of KRS 45.040 notwithstanding, excluding however consumable and other usable supplies. Those projects set forth in the budget document under the subheading "colleges and universities" are subject to substitution upon action of the Council on Higher Education and subject to the approval of the Department of Finance. There shall be allocated from the balance of the Capital Construction Fund remaining on June 30, 1978, $750,000 for fiscal year 1978-79 and $750,000 for fiscal year 1979-80 for replacement of major items of equipment for Kentucky Educational Television. The funds are appropriated for this purpose.

The Council on Higher Education shall submit to the Legislative Research Commission written notice prior to the issuance and sale of definitive bonds or temporary bonds or the securing of interim financing through bond anticipation notes, loan agreements or by any other means by any state college or university. This notice shall identify the project to be funded as well as the source and amount of funds.

All monies transferred to the Department of Finance for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Department of Finance for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed $2,000,000 and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the Secretary of the Department of Finance, with the concurrence of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

2. SCHOOL BUILDING AUTHORITY

1978-79 .... $ 2,000,000

B. FEDERAL REVENUE SHARING

3. DEPARTMENT OF FINANCE

1978-79 .... $ 40,826,000
1979-80 .... $ 39,046,000

These funds are appropriated in accordance with the provisions of the federal State and Local Fiscal Assistance Act of 1972 and extension thereof. In the event these monies, or any portion thereof, are not made available to the Commonwealth, the Secretary of the Department of Finance shall take appropriate action as required by Part V, General Provisions, Section 9 of this Act.

PART V
GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1978,except Chapter 27, Part I, Section D of the 1976 Extraordinary Session Acts of the General Assembly which is hereby repealed, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42 and 45 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Department of Finance. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Secretary of the Department of Finance in accordance with the detailed estimates embodied in the Executive Budget 1978-80 and supporting work papers, as considered by the 1978 Regular Session and 1979 Extraordinary Session of the General Assembly, and the decision of the Secretary of the Department of Finance shall be final and conclusive.

2. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Secretary of the Department of Finance is authorized to establish a system or formula or a combination of both for pro-rating the administrative costs of the Department of Personnel, Department of Finance, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs.

4. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 56, 152, 177 and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of this Section, to the extent of such conflict, are hereby repealed.

5. No state agency, cabinet, department, office or program shall incur any obligation against the General Fund appropriations contained herein unless such obligation may be reasonably determined to have been contemplated in the Governor's budget proposal and is supported by appropriate work papers and other records pertaining thereto.

6. The provisions of KRS 337.505 to 337.550 notwithstanding, the term "prevailing wage" as defined in KRS 337.505 shall not apply to the construction of public works the funds for which are provided in this Act unless so required by federal law.

7. Any appropriation made herein by the General Fund in anticipation of a lack, loss or reduction of Federal grants shall lapse to the General Fund to the extent such Federal funds otherwise become available.

8. All funds received under the Federal Social Security Amendments of 1977, Public Law 95-216 (H.R. 9346, Sec. 401, 402, and 405) are hereby appropriated to the Department for Human Resources to be used to implement Community Work Experience programs as established under Kentucky Revised Statutes 205.650 - 205.700. In enacting this section of this Appropriation Act, it is the deliberate intention of the General Assembly that these funds should be used, within federal law and regulation, for federal match whenever possible to maximize their statewide impact.

9. Whereas, inasmuch as the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, cabinet, department, board, commission, institution, agency or other activity or subdivision of state government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Fund and to the Transportation Fund and accruing from various fees or from Federal funds from which appropriations are made can only be anticipated as being produced through existing laws and those that may hereafter be enacted, and recognizing the complex nature of the economy, it is the purpose and intention of this Act that the expenditures for each fiscal year shall not exceed the total financial resources accruing to any Fund, as defined in KRS Chapter 45, for the same fiscal year. As the conditions cannot be fully determined until after the adjournment of the 1978 General Assembly, and as the needs of each officer, cabinet, department, board, agency, commission, institution, subdivision or activity of state government, together with the total financial resources accruing to the General Fund and the Transportation Fund cannot be fully determined at this time, it is the intention and purpose of this General Assembly that the Secretary of the Department of Finance, with the advice of the Commissioner of the Department of Revenue, upon approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government and to ascertain the total financial resources anticipated to be accrued to the General Fund and the Transportation Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Secretary of the Department of Finance, in the manner set forth as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to needs, without discrimination, the appropriations herein made from the General Fund and Transportation Fund to each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity in state government, provided, however, that the power invested shall not permit any reduction of the appropriations of any officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government that will actually impair the necessary constitutional functions of such agency or activity, the operations and functions of which are determined to be necessary constitutional functions of state government.

Calendar

SB 11, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions, and Communications

Representative B. Richardson announced there will be a Memorial Service in honor of Senator Garrett in the Rotunda at 12 noon on February 6, 1979.

Representative B. Richardson moved that when the House does adjourn it will do so until February 6, 1979 at 11:30. Agreed.

Representative B. Richardson moved to suspend the rules to allow a Rules Committee Report. Agreed.

Report of Committtees (continued)

The Committee on Rules reported **HB 19** has been posted for passage in Orders of the Day, February 6, 1979.

Motions, Petitions and Communications (continued)

Representative Boswell moved to suspend the rules to act upon a Resolution. Agreed.

Representative Boswell moved the adoption of the following **HR 49**:

HR 49, A RESOLUTION honoring G. L. Utley.

WHEREAS, G. L. Utley served with honor and distinction for thirty-nine years as principal of the Audubon School in Henderson County; and

WHEREAS, G. L. Utley has maintained a lifelong interest in the three generations of children who passed through his school; and

WHEREAS, G. L. Utley is equally recognized for his many public services with organizations such as the Red Cross, the United Fund and the Salvation Army;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House adjourns this day it does so in honor of G. L. Utley.

Section 2. That the Clerk be directed to forward a copy of this resolution to Mr. Utley.

HR 49 was adopted by voice vote.

Representative Thomas moved to suspend the rules to act upon a Resolution. Agreed.

Representative Thomas moved the adoption of the following **HR 46**:

HR 46, A RESOLUTION to adjourn the House of Representatives in honor and memory of Al Bilik.

WHEREAS, Al Bilik was an outstanding citizen of Marion County; and

WHEREAS, Al Bilik, a clothing manufacturer, selected Marion County as the ideal site for his clothing factory; and

WHEREAS, Al Bilik employed hundreds of citizens from Marion and surrounding counties; and

WHEREAS, Al Bilik raised the standards of living in Marion County due to the placement of his factory there and by providing industrial employment opportunities for the citizens of Marion County; and

WHEREAS, Al Bilik's contributions to the citizens of Marion County and the entire Commonwealth are deserving of praise and honor;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day, it does so in honor and memory of Al Bilik.

Section 2. That the clerk be directed to transmit a copy of this resolution to the family of Al Bilik.

HR 46 was adopted by voice vote.

Representative Imes announced a meeting of the Committee on State Government at 1 p.m. in Room C on February 6, 1979.

Representative Lindsay announced a meeting of the Committee on Judiciary-Courts at 10 a.m. in Room 307 on February 6, 1979.

Representative Weinberg moved to suspend the rules to allow co-sponsors of a Resolution and to act upon the same. Agreed.

Representative Weinberg moved for a call of the roll to show co-sponsors of **HR 50**.

The following members requested that their names be added as co-sponsors of HR 50: Bendl, Bennett, Blythe, Brinkley, Brown, Burch, Carpenter, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Foster, Gay, Guenthner, Haering, Head, Holbrook, Holloway, Imes, Marcum, McKinney, Noe, Overstreet, Petty, Robinson, Romines, Stone, Tobin, Williams, Worthington, Wright.

Representative Weinberg moved the adoption of the following **HR 50**:

HR 50, A RESOLUTION urging that state jurisdiction over natural gas gathering lines be upheld.

WHEREAS, Kentucky produces more than 60 billion cubic feet of natural gas each year, most of which is transported to other states for consumption; and

WHEREAS, KRS 278.485 was enacted to ensure that residents of the gas fields can obtain natural gas for their homes; and

WHEREAS, the federal government, through the Federal Energy Regulatory Commission, disputes our authority to require service to local customers, disputes the validity of KRS 278.485 and is pursuing this claim in the U. S. Court of Appeals; and

WHEREAS, if successful, this action would mean that, while Kentucky gas is sent to heat homes and run factories in other states, the people in the producing areas could be denied its use, and forced to import expensive bottled gas or other fuels for their needs; and

WHEREAS, the members of this body do not believe that it was the intent of Congress, in the Natural Gas Act of 1938 or in any subsequent legislation, to deny people the use of their own natural resources;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. Members of the Kentucky Congressional delegation are urged to remove those ambiguities of federal law which could deny states the authority to control service from producing natural gas wells and gathering lines within this state. Members of the delegation are further urged to support legislation which would guarantee to states the authority to enact and enforce laws such as KRS 278.485.

Section 2. The Kentucky Public Service Commission is commended for its strong defense of the rights of the people of Kentucky against the Federal Energy Regulatory Commission, before the U. S. Court of Appeals, 6th circuit.

Section 3. A copy of this resolution shall be sent to each member of the Kentucky Congressional delegation, to the President of the United States, to the Chairman of the Federal Energy Regulatory Commission, and to the Chairman of the Public Service Commission.

HR 50 was adopted by voice vote.

Representative B. Richardson moved to suspend the rules for Reference of Bills and Resolutions. Agreed.

Reference of Bills and Resolutions (continued)

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Public Utilities and Transportation: **HR 48**.

Orders of the Day

HB 68, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Substitute to **HB 68**. Agreed.

Representative Clapp moved the adoption of Floor Amendment No. 3 to the Committee Substitute to **HB 68**.

On the roll call the vote was yeas 55-J. Allen, W. Allen, Arnold, Blandford, Boswell, Brown, Bruce, Burnette, Carpenter, Clapp, Cyrus, Davenport, DeFalaise, Deskins, Donnermeyer, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Holbrook, Imes, Isler, Jones, Kenton, Layman, Little, Mann, Marcum, May, McKinney, Morris, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, B. Richardson, Robinson, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Worthington, Wright, Yates. Nays 25-Bendl, Bennett, Benson, Blythe, Burch, Clarke, Gay, Guenthner, Hancock, Head, Hines, Johnson, Kidd, Kleier, LeMaster, Lindsay, McBee, McNutt, Nett, Noe, Priddy, Siemens, Tobin, Wilborn, Williams.

Floor Amendment No. 3 to the Committee Substitute to **HB 68** was adopted.

Representative Blandford moved the adoption of Floor Amendment No. 4 to the Committee Substitute to **HB 68**. Agreed.

Representative Fitzgerald moved the adoption of Floor Amendment No. 1 to the Committee Substitute to **HB 68**. Agreed.

Representative Fitzgerald moved that **HB 68**, by way of Committee Substitute as amended, be passed.

Representative Dawahare moved that **HB 68** be laid on the Clerk's desk.

On the roll call the vote was yeas 32-J. Allen, W. Allen, Bendl, Bennett, Benson, Blythe, Burch, Dawahare, DeMarcus, Donnermeyer, Dunn, Guenthner, Hines, Hurst, Kidd, Kleier, Little, Mann, Maynard, McBee, McKinney, McNutt, Nett, Patrick, Priddy, Riner, Siemens, Thomas, Tobin, Wilborn, Williams, Yates. Nays 50-Adams, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Deskins, Dietz, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Holbrook, Imes, Isler, Johnson, Jones, LeMaster, Lindsay, List, Marcum, Morris, Noe, O'Brien, Overstreet, Petty, Richards, B. Richardson, Sale, Schmidt, F. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Wells, Worthington, Wright.

The motion to lay **HB 68** on Clerk's desk was rejected.

On the roll call the vote was yeas 76-Adams, J. Allen, W. Allen, Arnold, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, R. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright. Nays 17-Bennett, Benson, Blythe, Burch, Donnermeyer, Dunn, Guenthner, Hines, Holloway, Kidd, Mann, Priddy, Romines, Siemens, Tobin, Williams, Yates.

HB 68, by way of Committee Substitute as amended was passed.

Representative Fitzgerald moved the adoption of the Title Amendment to **HB 68**. Agreed.

Representative Fitzgerald moved that the vote by which **HB 68**, by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 8 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Patrick moved that **HCR 8** be passed.

On the roll call the vote was yeas 97-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HCR 8 was passed and the title agreed to.

Representative Patrick moved that the vote by which **HCR 8** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 62 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **HB 62** be passed.

On the roll call the vote was yeas 96-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 62 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 62** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 63, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative O'Brien moved the adoption of Committee Amendment No. 1 to **HB 63**. Agreed.

Representative O'Brien moved that **HB 63** be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Bendl, Bennett, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stewart, Stone, Turner, Weinberg, Wells, White, Williams, Worthington, Wright, Yates. Nays 24-Benson, Beshear, Blythe, Bruce, Burnette, Davenport, DeFalaise, DeMarcus, Fitzgerald, Gay, Hancock, Layman, List, Mann, Morris, Noe, Patrick, Plummer, Siemens, R. Smith, Thomas, Tobin, Van Horn, Wilborn.

HB 63, as amended, was passed.

Representative O'Brien moved that the vote by which **HB 63**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 7**, **HB 53**, **HJR 4**, **HJR 17** and **HCR 20** have been examined and found correctly enrolled. **HB 7**, **HB 53**, **HJR 4**, **HJR 17** and **HCR 20** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Announcements

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors and joint sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Kidd, **HR 50**; Representative J. Allen, **HR 50**.

Representative B. Richardson moved to suspend the rules for Introduction of Bills and Resolutions. Agreed.

Introduction of Bills and Resolutions (continued)

HR 52, by Representatives Blandford and McBee: A RESOLUTION directing the Interim Joint Committee on Public Utilities and Transportation to monitor the fuel adjustment clause, and the cost of utility coal.

Announcements (continued)

Representative McBee announced a meeting of the Committee on Public Utilities and Transportation in Room C at 10 a.m. on February 7, 1979.

Representative Fitzgerald announced a meeting of the Committee on Counties and Special Districts scheduled for February 6, 1979 has been cancelled.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 1 to the Committee Substitute to **HB 19** by Representative Weinberg is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 11, line 4, by deleting the figure "$3,500,000" and inserting the figure "$4,000,000";

Page 11, line 5, by deleting the figure "$3,500,000" and inserting the figure "$4,000,000";

Page 11, line 12, by deleting the words beginning "In the event that";

Page 11, lines 13 through 18 by deleting lines 13 through 18 in their entirety.

The Floor Amendment No. 2 to the Committee Substitute to **HB 19** by Representative B. Richardson is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 11, line 12, by deleting "In the event that"; and on

Page 11, lines 13 to 18 by deleting same and inserting in lieu thereof the following: "In the event that the appropriations to the Coal Miners' Pneumoconiosis Fund are insufficient to meet the claims upon that fund then those claims in excess of the appropriations, but not to exceed $1,000,000 for each fiscal year of the biennium, shall be deemed a necessary governmental expense."

The Floor Amendment No. 3 to the Committee Substitute to **HB 19** by Representative Dawahare is as follows:

Amend printed copy of Committee Substitute for **HB 19** page 11, line 12, by inserting after the "." the following:

"The first $500,000 from any unappropriated general fund surplus in fiscal year 1978-79 and the first $500,000 from any unappropriated general fund surplus in fiscal year 1979-80 shall be transferred to the Coal Miners' Pneumoconiosis Fund."; and by deleting the remainder of line 12;

and by deleting lines 13 through 18 in their entirety.

The Floor Amendment No. 4 to the Committee Substitute **HB 19** by Representative Donnermeyer is as follows:

Amend printed copy of Committee Substitute for **HB 19** page 82, lines 9 to 13, by deleting same; and on

Page 82, line 14 by deleting "7" and inserting in lieu thereof "6"; and on

Page 82, line 18 by deleting "8" and inserting in lieu thereof "7"; and on

Page 83, line 3 by deleting "9" and inserting in lieu thereof "8".

The Floor Amendment No. 5 to the Committee Substitute to **HB 19** by Representative Dawahare is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 79, by inserting the following after line 20:

In the event that a surplus, or surpluses, occur in General Fund revenues during either fiscal year 1978-79 or fiscal year 1979-80, or both, an amount not to exceed 3.5 million dollars for the 1978-80 biennium shall be allocated to the School Building Authority by the Secretary of the Department of Finance.

The Floor Amendment No. 6 to the Committee Substitute to **HB 19** by Representative Clarke is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 85, line 3, by adding the following:

"Further, it is the intention and purpose of this General Assembly that the Secretary of the Department of Finance, with the advice of the Commissioner of the Department of Revenue, upon approval of the Governor of Kentucky, is authorized, empowered and directed to ascertain and determine the recurring needs of each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government and to ascertain the total recurring financial resources anticipated to be accrued to the General Fund of the Commonwealth, and upon the ascertainment and determination of said fact, he, the Secretary of the Department of Finance, in the manner set forth as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an expenditure from the General Fund for recurring needs in excess of recurring financial resources to the General Fund in any fiscal year for which appropriations are herein made, by equitably reducing, according to needs, without discrimination, the appropriations herein made from the General Fund to each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity in state government, provided, however, that the power invested shall not permit any reduction of the appropriations of any officer, cabinet, department, board, commission, institution, subdivision, agency, or other activity of state government that will actually impair the necessary constitutional functions of such agency or activity, the operations and functions of which are determined to be necessary constitutional functions of state government."

The Floor Amendment No. 7 to the Committee Substitute to **HB 19** by Representative Dawahare is as follows:

Amend copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated the sum of $5,000,000 to the Coal Producing County Development Fund for fiscal year 1979-80.";

and on page 83, line 3, by changing "9." to "10." on said line.

The Floor Amendment No. 8 to the Committee Substitute to **HB 19** by Representative Deskins is as follows:

Amend printed copy of Committee Substitute for **HB 19** page 82, line 13, after the "." by adding the following sentence:

"The provisions of KRS 337.505 to 337.550 notwithstanding, no prevailing wage locality determination shall include counties containing cities of the 1st or 2nd class with counties that do not contain cities of the 1st or 2nd class."

The Floor Amendment No. 9 to the Committee Substitute to **HB 19** by Representative Clapp is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 23 at the end of line 14 adding the following: "Any unexpended balance in the Multi-County Industrial Site Development Program may be used for agriculture loans and tourism loans."; and on

Page 46, lines 6 through 16 by deleting same; and on

Page 79, after line 20 by adding the following:

Total- Capital Construction - General Fund
1979-79 . . . . $6,396,400

and on page 82, after line 8 by adding the following: "6. It is the intent of the General Assembly to permit the Kentucky School Building Authority to enter into agreements, as authorized by KRS 157.800 to 157.890, inclusive, with local boards of education or with the Kentucky Department of Education for projects and percentage discounts on the basis of an expectation of continued biennial appropriations in an amount which is not less than the amount appropriated in Part IV."; and by renumbering all subsequent subsections.

The Floor Amendment No. 1 to House Committee Substitute to **SB 5** by Representative Davenport is as follows:

Amend printed copy of House Committee Substitute for **SB 5** page 2, following line 21, by adding the following:

"EMERGENCY."

The Floor Amendment No. 2 to **SB 11** by Representative Overstreet is as follows:

Amend printed copy of SB 11, page 12, line 4, by inserting following said line the following:

"Section 12. No prosecution shall occur under this Act until all administrative remedies have been exhausted, including but not limited to a decision by an independent hearing officer.".

The Floor Amendment No. 3 to SB 11 by Representative Williams is as follows:

Amend printed copy of General Assembly Copy of SB 11, page 4, line 23, to delete "one" and to insert in lieu thereof "five" and to delete "($100)" and to insert in lieu thereof "($500)";

and on page 6, line 10 to delete "*one*" and to insert in lieu thereof "*five*";

and on page 6, line 11, to delete "*($100)*" and to insert in lieu thereof """*($500)*";

and on page 7, line 25, to delete "*one*" and to insert in lieu thereof "*five*" and to delete "*($100)*" and to insert in lieu thereof "*($500)*" and on page 8, line 14, to delete "*one*" and to insert in lieu thereof "*five*" and to delete "*($100)*" and to insert in lieu thereof "*($500)*"

The Floor Amendment No. 4 to SB 11 by Representative Williams is as follows:

Amend printed copy of SB 11, page 5, between lines 11 and 12, to add the following:

"*(6) Offenses by natural persons under this chapter shall not be deemed to be cumulative and each violation shall constitute a separate offense unless it can be shown that two or more persons were involved in a conspiracy to defraud. In such cases the total amount of benefits obtained or sought to be obtained shall govern the nature of the offense and the penalty.*"

and on page 6, between lines 18 to 19, to add the following:

"*(7) Offenses by natural persons under this chapter shall not be deemed to be cumulative and each violation shall constitute a separate offense unless it can be shown that two or more persons were involved in a conspiracy to defraud. In such cases the total amount of benefits obtained or sought to be obtained shall govern the nature of the offense and the penalty.*"

and on page 9, line 7, to delete the bracket "[" before "(8)" and to insert a bracket "[" before the word "Any" and to add the following after "(8)":

"*Offenses by natural persons under this chapter shall not be deemed to be cumulative and each violation shall constitute a separate offense unless it can be shown that two or more persons were involved*"

Adjournment

Representative B. Richardson moved that the House adjourn until 11:30 a.m., February 6, 1979.

On the roll call the vote was yeas 66-Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Guy, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, Layman, List, Little, Mann, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Sale, Schmidt, F. Smith, R. Smith, Stone, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 8-J. Allen, Clarke, Fitzgerald, Guenthner, Imes, Marcum, Overstreet, Patrick.

The motion to adjourn was adopted.

TUESDAY, FEBRUARY 6, 1979

TWENTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend K. L. Moore of the First Baptist Church, Frankfort.

The roll was called. All present.

Representative Brinkley moved that the reading of the Journal of February 5, 1979 be dispensed with and the same approved. Agreed.

Representative B. Richardson moved that the House stand at ease until time for the Memorial Service for Senator Garrett. Agreed.

Recess

Representative B. Richardson moved that the House recess until 2:00 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

HR 53, by Representatives Johnson, Boswell, Blandford and Blythe: A RESOLUTION to adjourn in memory of Elmer L. Brown.

HCR 54, by Representatives Wright, Burnette and Haering: A CONCURRENT RESOLUTION requesting and petitioning the Congress of the United States for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal Revenues in any fiscal year.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Judiciary-Courts: **SB 39**.

Public Utilities and Transportation: **HJR 52**.

State Government: **HCR 51**.

Report of Committees

The Committee on Judiciary-Courts reported SB 1, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 1, AN ACT relating to fines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.175 is amended to read as follows:
(1) Court costs for a criminal case in the district court shall be*:*
(a) For an offense for which prepayment is permitted under KRS 189.394, 431.451, or 431.452 and for which prepayment has been made prior to trial as required by law $15.00

(b) For an offense for which prepayment is not permitted or has not been made [twenty dollars ($20).] *20.00*

(2) Additional costs shall be assessed in district court criminal matters as follows:

(a) Preparing an attestation	$ .50
(b) Preparing a certification	1.00
(c) Preparing a copy of a document (per page)	.25

(3) Taxation of costs against a defendant, upon conviction, shall be mandatory and shall not be prorated or suspended.

Section 2. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045 (5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than *twelve dollars ($12)* [seventeen dollars ($17)] nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 3. KRS 186.991 is amended to read as follows:

Any person who violates, or causes, aids, or abets any violation of KRS 186.052, 186.053, 186.281 and 186.286 or of any order, rule, or regulation lawfully issued pursuant thereto, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

Section 4. KRS 189.394 is amended to read as follows:

(1) The fines for speeding in violation of KRS 189.390 and 189.391 shall be:

Mph. Over Limit	Prima Facie or Maximum Speed									
	15	20	25	30	35	40	45	50	55	Fine
1	16	21	26	31	36	41	46	51	56	$ 1
2	17	22	27	32	37	42	47	52	57	2
3	18	23	28	33	38	43	48	53	58	3
4	19	24	29	34	39	44	49	54	59	4
5	20	25	30	35	40	45	50	55	60	5
6	21	26	31	36	41	46	51	56	61	*16*[21]
7	22	27	32	37	42	47	52	57	62	*17*[22]
8	23	28	33	38	43	48	53	58	63	*18*[23]
9	24	29	34	39	44	49	54	59	64	*19*[24]
10	25	30	35	40	45	50	55	60	65	*20*[25]
11	26	31	36	41	46	51	56	61	66	*22*[27]
12	27	32	37	42	47	52	57	62	67	*24*[29]
13	28	33	38	43	48	53	58	63	68	*26*[31]
14	29	34	39	44	49	54	59	64	69	*28*[33]
15	30	35	40	45	50	55	60	65	70	*30*[35]
16	31	36	41	46	51	56	61	66	71	*32*[37]
17	32	37	42	47	52	57	62	67	72	*34*[39]
18	33	38	43	48	53	58	63	68	73	*36*[41]
19	34	39	44	49	54	59	64	69	74	*38*[43]
20	35	40	45	50	55	60	65	70	75	*40*[45]
21	36	41	46	51	56	61	66	71		*43*[48]
22	37	42	47	52	57	62	67	72		*46*[51]
23	38	43	48	53	58	63	68	73		*49*[54]
24	39	44	49	54	59	64	69	74		*52*[57]
25	40	45	50	55	60	65	70	75		*55*[60]

(2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one hundred dollars ($100).

(3) For any violation shown on the chart for which a specific fine is prescribed the defendant may elect to pay the fine *and court costs* to the circuit clerk before the date of his trial or to be tried in the normal manner. Payment of the fine *and court costs* to the clerk shall be considered as a plea of guilty for all purposes.

(4) If the offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.

[(5) In the event that the fine is paid to the clerk before trial date costs shall be ten dollars ($10).]

Section 5. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, KRS 189.345 and 189.960, shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than *eleven dollars ($11)* [sixteen dollars ($16)] nor more than *thirty dollars ($30)* [thirty-five dollars ($35)]. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 or 189.271 shall, upon conviction, be fined in an amount equal to two cents (2§) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3§) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5§) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7§) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9§) per pound when the excess exceeds 5,000 pounds but in no case shall the fine be less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500).

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than five hundred dollars ($500).

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the bureau of vehicle regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than *fifteen dollars ($15)* [twenty dollars ($20)] nor more than fifty dollars ($50) for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)].

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than two hundred dollars ($200).

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not [less than fifteen dollars ($15) nor] more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)] in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than fifty dollars ($50).

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred dollars ($100) nor more than five hundred dollars ($500); for the second offense, a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than three (3) days nor more than six (6) months; for each subsequent offense he shall be fined not less than one hunded dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than thirty (30) days nor more than twelve (12) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100).

(10) Any person who violates KRS 189.530 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than *thirty dollars ($30)* [thirty-five dollars ($35)] nor more than one hundred dollars ($100) for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not less than *twenty dollars ($20)* [fifteen dollars ($15)] nor more than twenty-five dollars ($25).

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than five hundred dollars ($500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157(2).

(21) A person who elects to operate a bicycle in accord with any regulations adopted pursuant to KRS 189.287 and who willfully violates a provision of such a regulation shall be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than one hundred dollars ($100). A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.

(22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

Section 6. KRS 189.993 is amended to read as follows:

(1) Any person who violates KRS 189.045 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined *sixty dollars ($60)* [sixty-five dollars ($65)] and costs of prosecution.

(3) Any person who violates any provision of KRS 189.205 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

(4) [Any person, firm or corporation violating the provisions of KRS 189.275 shall be fined not less than thirty-five dollars ($35) nor more than one hundred dollars ($100).

(5)] Any person who violates any provision of KRS 189.375 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

[(6) (a) Any person who is not a handicapped person as prescribed in KRS 189.455 and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by KRS 189.455 shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.

(b) Any person owning a vehicle bearing such vehicle registration plates, and not entitled to do so under the provisions of KRS 189.455, shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.

(7)] Any person who violates KRS 189.505 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200) or be imprisoned for not more than thirty (30) days, or both.

(6)[(8)] Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than *thirty-five dollars ($35)* [forty dollars ($40)].

(7)[(9)] Any person who violates KRS 189.920 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(8)[(10)] Any person who violates KRS 189.930 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500), or be imprisoned in the county jail for not more than thirty (30) days, or both.

(9)[(11)] Any person who violates KRS 189.940 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than

six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(10)[(12)] If a member of a regular or volunteer fire department or rescue squad violates any provisions of subsection (5) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or 189.993, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be permanently barred from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.

(11)[(13)] Any person who violates KRS 189.950 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(12)[(14)] Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

Section 7. KRS 281.990 is amended to read as follows:

(1) Any person who violates, or causes, aids or abets any violation of, any of the provisions of this chapter or any order, rule or regulation lawfully issued pursuant to authority granted by this chapter, or who knowingly makes any false or erroneous statement, report or representation to the department of motor transportation with respect to any matter placed under the jurisdiction of the department by this chapter, or who knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter, or who knowingly fails to keep, or knowingly destroys or mutilates, any such accounts or records, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days, or both. Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or regulation of the department issued pursuant thereto, shall constitute a violation thereof.

(2) Any person who violates KRS 281.615 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(3) In addition to the penalties prescribed in subsection (1) of this section, in case of violation by any person in whose name an industrial bus is licensed, such person shall forfeit all certificates and permits held by him, and shall not be eligible to hold any certificate or permit for a period of five (5) years thereafter.

Section 8. KRS 142.030, Tax on criminal convictions paid into state treasury; and 142.040, Docket fee, are repealed.

Section 9. This Act shall become effective on July 1, 1979.

Posting of Bills and Resolutions

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

State Government: **SB 36**, and **HCR 51**.

Public Utilities and Transportation: **HJR 48**.

State Government: **HCR 43** is withdrawn from consideration.

Calendar

HCR 31, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Report on Enrolled Bills

HB 7, **HB 53**, **HJR 4**, **HJR 17** and **HCR 20** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Motions, Petitions and Communications

Representative Boswell moved to suspend the rules to act on a Resolution. Agreed.

Representative Boswell moved to suspend the rules to allow co-sponsors of **HR 53**. Agreed.

Representative Boswell moved for a call of the roll to show co-sponsors of **HR 53**. Agreed.

The following members requested that their names be added as co-sponsors of **HR 53**: Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates.

Representative Boswell moved the adoption of the following **HR 53**:

HR 53, A RESOLUTION to adjourn in memory of Elmer L. Brown.

WHEREAS, Elmer L. Brown passed from this earthly life at the age of 88; and

WHEREAS, he practiced law in Owensboro for 63 years and was designated "Senior Counselor" by the Kentucky Bar Association in recognition of his distinguished service; and

WHEREAS, he was a former Commonwealth's attorney and, in 1914, was elected to the Kentucky House of Representatives as the youngest member ever to serve in that body, a distinction he held for 60 years; and

WHEREAS, in later life he returned many times to address the House of Representatives and share with its members his wisdom and counsel;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives does adjourn this day it does so in memory of Elmer L. Brown.

On the roll call the vote was yeas 92-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HR 53 was adopted.

Representative Craddock moved the adoption of the following Legislative Citation No. 46.

The House of Representatives hereby honors Elizabethtown, Kentucky nine times an All-Kentucky City award winner in the annual Kentucky Chamber of Commerce competition, and recipient of a special Presidential Citation Award, a new honor awarded for being judged among the top three cities competing, and winning three times out of the last five years. This body extends its congratulations and best wishes to this outstanding Kentucky community. (Sponsored by Representative Craddock)

Agreed.

Representative Cyrus moved the adoption of the following Legislative Citation No. 45.

The House of Representatives of the Commonwealth of Kentucky hereby honors Circuit Judge Oscar Sammons, Greenup, Kentucky. Judge Sammons, who is retiring after serving the public as circuit judge for fifteen years for the Greenup and Lewis Counties judicial district, also served as Greenup County Attorney for twelve years. We commend this fine public servant for his many years of service to the Commonwealth. (Sponsored by Representatives Cyrus, Holbrook and Plummer)

Agreed.

Representative LeMaster announced the meeting of the Committee on Judiciary-Statutes for February 7, 1979 has been cancelled.

Recess

Representative B. Richardson moved that the House recess for five minutes for a meeting of the Committee on Counties and Special Districts in Room 305. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SB 44**.

Motions, Petitions and Communications (Cont.)

Representative B. Richardson moved to suspend the rules for a Committee on Committees Report and Report of Committees. Agreed.

Reference of Bills and Resolutions (Cont.)

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

Appropriations and Revenue: **SB 44**.

Posting of Bills and Resolutions (Cont.)

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Appropriations and Revenue: **SB 43** and **SB 44**.

Orders of the Day

HB 19, with Committee Substitute and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved the adoption of the Committee Substitute for **HB 19**. Agreed.

Representative B. Richardson moved the adoption of Floor Amendment No. 4 to the Committee Substitute for **HB 19**.

Representative Overstreet made an inquiry as to the propriety of considering a floor amendment which had not been distributed the prior day.

The Chair ruled the floor amendments should have been distributed the prior day.

Representative B. Richardson moved to suspend the rules to waive the time element to allow consideration of the floor amendments as the Chair ruled.

On the roll call the vote was yeas 66-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kleier, List, Little, Mann, May, Maynard, McBee, McKinney, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 20-W. Allen, Blythe, Bruce, Burch, Davenport, DeFalaise, DeMarcus, Freibert, Gay, Guenthner, Haering, Holloway, Layman, Marcum, Overstreet, Patrick, Schmidt, R. Smith, Tobin, White.

The motion that the rules be suspended was adopted.

Representative B. Richardson moved the adoption of Floor Amendment No. 4 to the Committee Substitute to **HB 19**.

Representative Overstreet moved that Floor Amendment No. 4 to the Committee Substitute to **HB 19** be laid on the Clerk's desk.

On the roll call the vote was yeas 31-W. Allen, Blythe, Bruce, Burch, Burnette, Davenport, Dawahare, DeFalaise, Demarcus, Foster, Freibert, Gay, Guenthner, Haering, Holbrook, Holloway, Layman, List, Marcum, McNutt, Morris, Overstreet, Patrick, Plummer, Riner, Robinson, Schmidt, R. Smith, Tobin, White, Williams. Nays 58-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Clapp, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Gray, Guy, Hancock, Head, Imes, Isler, Johnson, Jones, Kenton, Kleier, Lindsay, Little, Mann, May, Maynard, McBee, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Worthington, Wright, Yates.

The motion that Floor Amendment No. 4 to the Committee Substitute to HB 19 be laid on the clerk's desk was rejected.

Representative B. Richardson moved the adoption of Floor Amendment No. 4 to the Committee Substitute to **HB** 19. Agreed.

Representative B. Richardson moved that **HB 19**, by way of Committee Substitute as amended, be passed.

Representative Clarke moved the adoption of Floor Amendment No. 6 to the Committee Substitute to **HB** 19.

Representative Guenthner moved that Floor Amendment No. 6 to the Committee Substitute to **HB 19** be laid on the Clerk's desk.

On the roll call the vote was yeas 25-W. Allen, Blythe, Bruce, Burch, Burnette, Davenport, DeFalaise, DeMarcus, Freibert, Gay, Guenthner, Holbrook, Holloway, Layman, Marcum, Morris, Overstreet, Patrick, Petty, Plummer, Riner, Schmidt, R. Smith, Tobin, White. Nays 68-Adams, J. Allen, Bendl, Bennett, Benson, Beshear, Blandford, Boswell, Brinkley, Brown, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Haering, Hancock, Head, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Pearman, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright, Yates.

The motion that Floor Amendment No. 6 to the Committee Substitute to HB 19 be laid on the Clerk's desk was rejected.

On the roll call the vote was yeas 49-J. Allen, W. Allen, Bendl, Blythe, Boatwright, Burch, Burnette, Carpenter, Clarke, Davenport, Dawahare, DeMarcus, Fitzgerald, Freibert, Gay, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Johnson, Kidd, Kleier, Layman, List, Mann, Marcum, McKinney, McNutt, Nett, Overstreet, Patrick, Pearman, Plummer, Priddy, Robinson, Sale, Schmidt, Siemens, R. Smith, Thomas, Tobin, White, Wilborn, Williams, Wright. Nays 38-Adams, Bennett, Benson, Blandford, Boswell, Brinkley, Bruce, Clapp, Craddock, Cyrus, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Holbrook, Imes, Isler, Kenton, LeMaster, Lindsay, Little, McBee, Morris, Noe, Petty, Richards, B. Richardson, Riner, F. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, Yates.

Floor Amendment No. 6 to the Committee Substitute to **HB 19** was adopted.

Representative Noe moved the adoption of Floor Amendment No. 2 to the Committee Substitute to **HB 19**. Agreed.

Representative Dawahare moved the adoption of Floor Amendment No. 7 to the Committee Substitute to **HB** 19.

On the roll call the vote was yeas 46-J. Allen, W. Allen, Beshear, Blythe, Boswell, Brinkley, Brown, Bruce, Burnette, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Layman, Little, Marcum, May, McKinney, Noe, Overstreet, Patrick, Pearman, Plummer, Riner, Robinson, Sale, Schmidt, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Williams, Wright, Yates. Nays 49-Arnold, Bendl, Bennett, Benson, Blandford, Burch, Clapp, Clarke, Craddock, Crupper, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Hancock, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McBee, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, F. Smith, Thomas, Tobin, Wells, Wilborn, Worthington.

Floor Amendment No. 7 to the Committee Substitute to **HB 19** was rejected.

Representative Clapp moved that **HB 19**, by way of Committee Substitute as amended, be laid on the Clerk's desk.

On the roll call the vote was yeas 47-Adams, J. Allen, W. Allen, Blythe, Boatwright, Boswell, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Gay, Gray, Guenthner, Haering, Head, Holbrook, Imes, Layman, LeMaster, Little, Marcum, McBee, McKinney, Morris, Overstreet, Patrick, Pearman, Plummer, Riner, Robinson, Romines, F. Smith, R. Smith, Stewart, Turner, Van Horn, White, Yates. Nays 46-Arnold, Bennett, Benson, Beshear, Blandford, Brinkley, Carpenter, Clarke, Crupper, Dietz, Donnermeyer, Dunn, Foster, Freibert, Guy, Hancock, Hines, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Lindsay, List, May, Maynard, McNutt, Nett, O'Brien, Priddy, Richards, B. Richardson, P, Richardson, Sale, Stone, Thomas, Tobin, Weinberg, Wells, Wilborn, Williams, Worthington, Wright.

The motion that **HB 19**, by way of Committee Substitute as amended, be laid on the Clerk's desk was adopted.

HB 47, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wilborn moved the adoption of the Committee Amendment No. 1 to **HB 47**. Agreed.

Representative Wilborn moved that **HB 47**, as amended, be passed.

On the roll call the vote was yeas 54-Adams, J. Allen, Bendl, Bennett, Beshear, Boatwright, Brinkley, Bruce, Burch, Clarke, Craddock, Crupper, Cyrus, Davenport, Deskins, Dunn, Fitzgerald, Foster, Gay, Guy, Haering, Hancock, Hines, Hurst, Imes, Jones, Kenton, Kidd, Lindsay, Little, Mann, May, Maynard, McBee, McNutt, Morris, Nett, Noe, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Siemens, F. Smith, Stewart, Stone, Tobin, Weinberg, Wilborn, Williams Yates. Nays 36-W. Allen, Arnold, Blandford, Blythe, Boswell, Burnette, Carpenter, DeFalaise, DeMarcus, Freibert, Gray, Guenther, Head, Holbrook, Holloway, Isler, Johnson, Layman, LeMaster, List, Marcum, McKinney, O'Brien, Overstreet, Patrick, Pearman, Plummer, Riner, Robinson, Schmidt, R. Smith, Thomas, Van Horn, White, Worthington, Wright.

HB 47, as amended, was passed and the title agreed to.

Representative Wilborn moved that the vote by which **HB 47**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HCR 41 taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative F. Smith moved that **HCR 41** be passed.

On the roll call the vote was yeas 92-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 2-Stewart, Turner.

HCR 41 was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HCR 41** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 73, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McNutt moved that **HB 73** be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

HB 73, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 73** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 5, with Committee Substitute and Floor Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Fitzgerald moved the adoption of the Committee Substitute to **SB 5**. Agreed.

Representative Davenport moved the adoption of Floor Amendment No. 1 to the Committee Substitute to **SB 5**. Agreed.

Representative Fitzgerald moved that **SB 5**, by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 96-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 5, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative Fitzgerald moved that the vote by which **SB 5**, by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 9, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Weinberg moved the adoption of Committee Amendment No. 1 to **SB 9**.

On the roll call the vote was yeas 51-Adams, Arnold, Bennett, Blandford, Blythe, Boatwright, Burnette, Carpenter, Clarke, Craddock, Crupper, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Freibert, Gay, Haering, Hancock, Head, Isler, Jones, Kenton, Little, Marcum, May, Maynard, McBee, McKinney, Nett, O'Brien, Overstreet, Petty, B. Richardson, P. Richardson, Riner, Robinson, Schmidt, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Weinberg, Wells, Wilborn, Worthington, Wright. Nays 23-J. Allen, W. Allen, Bendl, Boswell, Brinkley, Bruce, Cyrus, Dunn, Fitzgerald, Gray, Guenthner, Guy, Holloway, Hurst, Imes, Layman, LeMaster, Noe, Patrick, Pearman, Priddy, Romines, White.

Committee Amendment No. 1 to **SB 9** was adopted.

Representative Imes moved that **SB 9**, as amended, be passed.

On the roll call the vote was yeas 94-J. Allen, W. Allen, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 9, as amended, was passed and the title agreed to.

Representative Imes moved that the vote by which **SB 9**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 10 to the Committee Substitute to **HB 19** by representative Romines is as follows:

Amend printed copy of House Committee Substitute for **HB 19**, page 12, line 20, by deleting line 20 in its entirety.

The Floor Amendment No. 5 to **SB 11** by Representative Isler is as follows:

Amend printed copy of **SB 11**, page 4, on line 23, by deleting "hundred dollars ($100)" and substituting in lieu thereof "thousand dollars ($1000)"; and

on page 6, line 10, by deleting "*hun-*" and substituting in lieu thereof "*thousand dollars ($1000)*"; and

on line 11, by deleting "*dred dollars ($100)*"; and

on page 7, line 25, by deleting "*hundred dollars ($100)*" and substituting in lieu thereof "*thousand dollars ($1000)*"; and

on page 8, line 14, by deleting "*hundred dollars ($100)*" and substituting in lieu thereof "*thousand dollars ($1000*".

The Floor Amendment No. 11 to the Committee Substitute to **HB 19** by Representative Dawahare is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated the sum of $6,000,000 to the Coal Producing County Development Fund for fiscal year 1979-80, $1,500,000 of which shall go to the coal impact counties."; and

on page 83, line 3, by changing "9." to "10." on said line.

The Floor Amendment No. 12 to the Committee Substitute to **HB 19** by Representative Kleier is as follows:

Amend printed copy of House Committee Substitute for **HB 19**, page 44, line 8, by deleting "$136,737,100" and substituting in lieu thereof "$144,737,100"; and

on page 46, line 5, by deleting "$66,744,300" and substituting in lieu thereof "$68,644,300".

The Floor Amendment No. 13 to the Committee Substitute to **HB 19** by Representative Crupper is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated a sum equal to $5,000,000 to a Tobacco-County Development Fund, to be set up by the Department of Agriculture, Commonwealth of Kentucky, for the fiscal year 1979-80; Said Funds to be returned to the tobacco producing counties."

and on page 83, line 3, change "9." to "10." on said line.

The Floor Amendment No. 14 to the Committee Substitute to **HB 19** by Representative Hancock is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated the sum of $5,000,000 to the Bourbon Producing County Development Fund, to be set up by the Alcoholic Beverage Control Board, Commonwealth of Kentucky, for fiscal year 1979-80."; and

on page 83, line 3 by changing "9." to "10." on said line.

The Floor Amendment No. 15 to the Committee Substitute to **HB 19** by Representative Clarke is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 85, line 3, by adding the following:

"Notwithstanding the amounts enumerated in Part I of this Act for fiscal year 1979-80, all amounts for fiscal year 1979-80 shall be reduced by three percent (3%) and the appropriations made in Part I of this Act shall be the amounts so reduced."

The Floor Amendment No. 16 to the Committee Substitute to **HB 19** by Representative Clarke is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 85, line 3, by adding the following:

"Notwithstanding the provisions appearing heretofore in this Act the Secretary of the Department of Finance is authorized, empowered and directed by the General Assembly to reduce all amounts set forth in Part I of this Act for fiscal year 1979-80 by three percent (3%) and the amounts appropriated in Part I of this Act for fiscal year 1979-80 are the amounts so reduced."

The Floor Amendment No. 17 to the Committee Substitute to **HB 19** by Representative Bendl is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated a sum not less than 25% of the total revenue generated by the State Sales Tax in a city of the first class to said city of the first class to be administered by the Mayor and Board of Alderman, for fiscal year 1979-80."; and

on page 83, line 3, by changing "9." to "10." on said line.

Representative Fitzgerald moved that **HB 19** be taken from the Clerk's desk.

Representative Schmidt moved that the House adjourn until 2:00 p.m., Wednesday, February 7, 1979.

On the roll call the vote was yeas 42-W. Allen, Bendl, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Burnette, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Freibert, Gay, Guenthner, Haering, Head, Holloway, Kidd, Layman, Little, Marcum, Maynard, McBee, McNutt, Morris, Overstreet, Patrick, Pearman, Plummer, Riner, Robinson, Schmidt, F. Smith, R. Smith, Tobin, Van Horn, Weinberg, White, Williams. Nays 52-Adams, J. Allen, Arnold, Benson, Beshear, Brinkley, Carpenter, Clarke, Craddock, Crupper, Cyrus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Gray, Guy, Hancock, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, List, Mann, May, McKinney, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Siemens, Stewart, Stone, Thomas, Turner, Wells, Wilborn, Worthington, Wright, Yates.

The motion to adjourn was rejected.

Representative Fitzgerald moved that **HB 19** be taken from the Clerk's desk.

Adjournment

Representative Little moved that the House adjourn until 2:00 p.m., Wednesday, February 7, 1979.

On the roll call the vote was yeas 51-J. Allen, W. Allen, Bendl, Blandford, Blythe, Boswell, Brown, Bruce, Burch, Burnette, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Fitzgerald, Freibert, Gay, Guenthner, Haering, Head, Holloway, Kidd, Kleier, Layman, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Noe, Overstreet, Patrick, Pearman, Plummer, Priddy, Riner, Robinson, Schmidt, F. Smith, R. Smith, Tobin, Van Horn, Weinberg, White, Worthington. Nays 39-Adams, Arnold, Bennett, Beshear, Carpenter, Clarke, Craddock, Crupper, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Hines, Hurst, Imes, Isler, Johnson, Jones, Kenton, LeMaster, Lindsay, List, Nett, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Romines, Siemens, Stone, Turner, Wells, Wilborn, Wright, Yates.

The motion to adjourn was adopted.

WEDNESDAY, FEBRUARY 7, 1979

TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend J. Williamson Brown, Jr. of the Church of the Ascension, Frankfort.

The roll was called. All present except Representative Sale.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of February 6, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 55, by Representatives List, LeMaster, Van Horn, Beshear, and Kenton: A RESOLUTION honoring Thomas M. Buckner.

HR 56, by Representative Kleier: A RESOLUTION commending the House Appropriations and Revenue Committee.

HR 57, by Representatives Hancock, Wilborn, Sale, P. Richardson, Carpenter and Crupper: A RESOLUTION authorizing the Interim Joint Committee on State Government to monitor state employe salary improvement.

Reference of Bills and Resolutions

The Clerk reported the Committee on Committees has referred the following Bills and Resolutions:

State Government: HCR 54.

Report of Committees

The Committee on Counties and Special Districts reported SB 16, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 16, AN ACT relating to county jails.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

(1) The fiscal court in any county with a population of 15,000 or less which is unable to adequately operate a jail may petition the circuit court in the judicial circuit in which the county is located for an order closing the jail. The circuit court shall conduct a hearing on the petition and, if the court finds that the county is unable to adequately operate the jail, the court may issue an order closing the jail. The bureau of corrections shall be advised of a proposed jail closing and given an opportunity to evaluate the situation for the circuit court prior to a final decision. The issuance of an order closing the jail shall be based upon the financial condition of the county, the physical condition of the jail, the daily population of inmates in the jail, the financial burden the jail imposes on the county, and such other relevant matters considered by the court.

(2) If the circuit court issues an order closing a county jail, or if a county jail is lawfully closed by any other governmental authority, the court shall order the transfer of all prisoners confined in that jail to another county jail where the jailer can provide acceptable accommodations and agrees to keep and diet such prisoners and an agreement is reached with the fiscal court or urban-county government of the county to which the prisoners are to be moved with respect to additional expense to said county of housing said prisoners. In selecting jails for the transfer of prisoners, the circuit court shall give priority to jails in the same judicial circuit or in adjoining counties in order to facilitate the transportation of prisoners for court appearances.

(3) If the circuit court issues an order closing the county jail, the court shall order the bureau of corrections to implement local government systems for transporting prisoners from one county to another county for confinement or court appearances, and may designate local hold-over cells for confining prisoners up to forty-eight (48) hours. Local governments maintaining hold-over cells shall receive the fees set forth by KRS 64.150 during a prisoner's hold-over period. The Commonwealth of Kentucky shall reimburse local governments that have been designated to transport prisoners pursuant to this subsection at a rate agreed on by the local government and the bureau of corrections.

(4) The jailer who agrees to accept prisoners pursuant to this section shall be entitled to the fees set forth in KRS 64.150.

Section 2. KRS 441.030 is amended to read as follows:

If in any county [there is no jail, or] the jail is insecure, or there is danger or probable danger that any or all of the persons confined in the jail under any order or process of the circuit court, or held to answer any charge in the circuit court, will be removed from the jail by violence, the circuit judge shall, by an order made of record, direct that any or all of such persons be transferred to the jail of the nearest county in which the jail is secure and they can be safely kept. When any such order is made, and a copy thereof is furnished to the jailer of the county designated, he shall receive all such prisoners. If the circuit judge is not in the county, the order of transfer may be made by the district judge, who shall deliver the order, or a copy thereof, to the circuit clerk for revision by the circuit court.

Section 3. KRS 441.040 is amended to read as follows:

Immediately upon the receipt of a copy of an order made pursuant to KRS 441.030, the sheriff, or if there is no sheriff, the coroner, shall transfer the prisoners to the jail of the county designated in the order. He shall deliver the prisoners to the jailer of that county at the jail, with a copy of the order, and take from him a receipt for the prisoners, which he shall return to the office of the circuit clerk of the county from which the removal was made. The clerk shall file the receipt in his office. The jailer shall receive the prisoners and safely keep them until they are properly discharged. If the jailer fails to accept and keep such prisoners, he and his sureties shall be liable in the same manner and to the same extent as if the prisoners had been regularly committed by an order of the circuit court of his county. The jailer shall receive the same fees as he would receive for a prisoner committed by the circuit court of his county. The officer conveying the prisoners to the designated jail, and such guards as the judge directs him to take, not exceeding the number of guards allowed in taking convicts to the penitentiary, shall receive the compensation and mileage allowed by KRS 64.070 for taking convicts to the penitentiary. The compensation shall be allowed by the circuit judge directing the transfer and paid out of the State Treasury, unless *the* [there was no] jail in the county [or it] was rendered insecure by the failure of the fiscal court to keep it in the requisite condition, in which case it shall be paid by the fiscal court of the county. The circuit judge, in making the allowance, shall state in the order out of which fund it shall be paid. The order of the judge directing the transfer shall be conclusive evidence that the transfer was proper and to the right jail, and shall be a justification to the jailer for holding any such prisoner in any action against him for false imprisonment.

The Committee Amendment to **SB 16** is as follows:

Amend printed copy of **SB 16**, page 1, line 4, by deleting "15,000" and inserting therefor "22,500";

and on line 17, by inserting after the comma the following: "the availability of alternative accommodations,"

Posting of Bills and Resolutions

The Clerk announced the following Bills and Resolutions have been posted for Committee consideration:

Judiciary-Courts: **SB 39, SB 34.**

Counties and Special Districts: **SB 47.**

Calendar

SB 1, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions and Communications

The Clerk read the following Proclamation:

I, Drexell R. Davis, Secretary of State for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as Secretary of State and remaining on file in my office, and found to be true and correct copy of Proclamation issued by Governor Julian M. Carroll on the 1st day of January, 1979.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official
seal. Done at Frankfort this 4th day
of January, 1979, Drexell R. Davis,
Secretary of State, Commonwealth of
Kentucky

PROCLAMATION
by the
Governor
of the
COMMONWEALTH OF KENTUCKY

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Julian M. Carroll, Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 1:00 p.m. (EST), Monday, January 8, 1979, for the sole purpose of considering the following subject:

(1) The enactment of legislation relating to the methods by which utility rates are structured and approved by the Public Service Commission.

(2) The enactment of legislation relating to the utility consumer intervenor within the division of consumer protection in the department of law.

(3) The enactment of legislation amending various sections of Chapter 139 of the Kentucky Revised Statutes for the purpose of removing the sales tax from residential utility bills.

(4) The enactment of legislation amending various sections of the Kentucky Revised Statutes for the purpose of preventing increases in property taxes as a result of increased property assessment.

(5) The enactment of legislation amending various sections of Chapter 141 of the Kentucky Revised Statutes for the purpose of increasing the standard deduction on personal income taxes; and for the purpose of making the income tax benefits for persons 65 or older available to persons 62 or older.

(6) The enactment of legislation modifying, amending, or creating various sections of the Kentucky Revised Statutes dealing with:

(a) District Court fines and costs;
(b) Jail reimbursements;
(c) Base court revenue; and
(d) Reimbursement for court space.

(7) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through HB 229 of that session.

(8) The enactment of legislation relating to welfare fraud.

(9) The appropriation of sufficient funds to the Department of Transportation for the purpose of providing emergency medical transportation across the Ohio River from South Shore, Kentucky.

(10) Legislation relating to crisis assistance and the appropriation of sufficient funds to meet the essential needs of the areas affected by the December floods.

I now reaffirm the consideration of those subjects set out above and add the following subjects to be considered by the General Assembly:

(11) The enactment of legislation authorizing state and local governments to require compliance with federal wage and price guidelines.

(12) The enactment of legislation relating to financial disclosure by public officials and employees.

(13) The enactment of legislation relating to state police officers disabled as a result of and in the course of their employment.

(14) The enactment of legislation relating to the regulation of railroads.

(15) The enactment of legislation establishing a Kentucky Horse Park Board.

(16) The enactment of legislation to establish a program to aid small coal mines in complying with federal strip mine regulations.

(17) The enactment of legislation relating to mobile homes and recreational vehicles.

(18) The enactment of legislation relating to office space for court related officials.

(19) The enactment of legislation relating to advertising for bids by public agencies.

(20) The enactment of legislation relating to information obtained by newsmen in the course of their employment.

(21) The enactment of legislation authorizing state chartered banks to charge the same rate of interest on loans of less than $15,000 as federally chartered banks can charge.

(22) The enactment of legislation relating to the expenditure of state funds for the construction of capital projects and purchase of equipment.

(23) The enactment of legislation amending KRS 68.240 to change the date by which the county judge executive must submit his proposed budget to the county budget commission.

(24) The enactment of legislation amending KRS 67.083 to authorize county governments to carry out all governmental functions necessary for the preservation of historic structures.

(25) The enactment of legislation authorizing county governments to approve or reject zoning amendments by resolution.

(26) The enactment of legislation amending KRS 132.020 for the purpose of specifying that a portion of the state tax rate shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said district.

(27) The enactment of legislation pertaining to cooperative purchasing between state and local governments.

(28) The enactment of legislation authorizing local governments to insure themselves, their employees and officials against liability.

I now reaffirm the consideration of those subjects set out above and add the following subject to be considered by the General Assembly:

(29) The enactment of legislation establishing criminal penalties for violations of various sections of KRS Chapter 341, pertaining to the unemployment insurance.

DONE AT THE CAPITOL, in the City
of Frankfort, this the 5th Day
of February in the year of Our
Lord One Thousand Nine Hundred
and Seventy-nine and in the year
of the Commonwealth the One
Hundred Eighty-seventh.

s/JULIAN M. CARROLL
GOVERNOR

ATTEST:

s/DREXELL R. DAVIS
SECRETARY OF STATE

Representative B. Richardson moved that **HB 19**, by way of Committee Substitute as amended, be taken from the Clerk's desk and placed in Orders of the Day.

On the roll call the vote was yeas 85-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Guenthner, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Schmidt, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Wright, Yates. Nays 0.

The motion that **HB 19** be taken from the Clerk's desk and placed in Orders of the Day was adopted.

The Clerk announced a meeting of the Committee on Appropriations and Revenue in Room 307 at 2:45 p.m. upon recess.

The Clerk announced a meeting of the Committee on State Government in Room 305 at 2:45 p.m. upon recess.

The Clerk announced a meeting of the Committee Chairmen in Room 307 at 2:45 p.m. upon recess.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 8** had been examined and found correctly enrolled. **SB 8** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Motions, Petitions and Communications

Representative List moved to suspend the rules to act upon a Resolution. Agreed.

Representative List moved the adoption of the following **HR 55**:

HR 55, A RESOLUTION honoring Thomas M. Buckner.

WHEREAS, Kentuckians were saddened by the untimely death of Thomas M. Buckner November 22, 1978; and

WHEREAS, Thomas M. Buckner displayed exceptional executive and administrative skills as president and General Manager of the Lexington Herald and Leader; and

WHEREAS, he was equally admired and known for his many contributions to the civic affairs of his community and state; and

WHEREAS, Thomas M. Buckner lived life to the fullest and offered steadfast friendship and constant good humor that sustained those who knew and loved him;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day it does so in honor and memory of Thomas M. Buckner and in humble tribute to his life and service.

Section 2. That these words be spread upon the permanent records of this body and the Clerk be directed to forward a copy of this resolution to members of his family.

HR 55 was adopted by voice vote.

Representative Marcum moved the adoption of the following Legislative Citation No. 47:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the Paintsville High School Tigers baseball team for its championship efforts during the past two years. The 1976-77 season saw them with a 28-11 record, ending their year as finalists in their sectional games. In 1977-78, they had a 35-1 record, ending as runners-up in the state championship game. We commend these hard-working young men and their coach and extend best wishes for their continuing success. (Sponsored by Representative Marcum)

Agreed.

Representative List moved to suspend the rules to introduce guests. Agreed.

Mayor James Amato of Lexington was introduced to the House.

Representative Deskins moved the adoption of the following Legislation Citation No. 17:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the Pikeville High School football team for their state AA championship efforts during 1978. The team, with an eleven and zero record under Coach James Hillard Howard, ended its season as state AA regional runner-up. This body commends the hard-working young men of the 1978 team and extends its best wishes for their continuing success. (Sponsored by Representative Deskins)

Agreed.

Representative Deskins moved the adoption of the following Legislative Citation No. 18:

The House of Representatives of the Commonwealth of Kentucky hereby honors the 1978 football team of Paintsville High School and their coach, Walter J. Brugh. This proud team, with an eleven and one season, was runner-up in the finals of the State A football championship and was the first team from their school in state championship play. This body commends the team members and Coach Brugh for its efforts and extends to them its best wishes. (Sponsored by Representative Deskins)

Agreed.

Representative Haering moved the adoption of the following Legislative Citation No. 48:

The House of Representatives of the Commonwealth of Kentucky hereby acknowledges and commends the students of the University of Louisville Local Government Law Center, under the capable direction of Professor William Biggs, for their outstanding service to members of this honorable body during the 1978 session. This body appreciates the tireless efforts of this dedicated group of young men and women in summarizing legislation and making it more easily understood by those of us charged with the responsibility of considering and acting upon it. Their work has made it possible for those of us who have benefited from their services to better carry out our duties as elected representatives of the people and for this we owe and do hereby extend to them our undying gratitude and hope that in future years this valuable service may be extended to every member of the General Assembly. (Sponsored by Representatives Wright and Haering)

Agreed.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 18 to the Committee Substitute to **HB 19** by Representative Dawahare is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated the sum of $4,500,000 to the Coal Producing County Development Fund for fiscal year 1979-80, and $1,500,000 to the coal impact road fund, as defined in KRS 177."

and on page 83, line 3, by changing "9." to "10." on said line.

The Floor Amendment No. 19 to the Committee Substitute to **HB 19** by Representative Benson is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 83, following line 2, insert the following:

"9. In the event of a surplus in the General Fund of not less than $20,000,000 following fiscal year 1978-79, there shall be appropriated a sum not less than 25% of the total revenue generated by the State Sales Tax in a county containing a city of the first class to said county to be distributed equally between the county and the city of the first class for fiscal year 1979-80."

and on page 83, line 3, by changing "9." to "10." on said line.

The Floor Amendment No. 20 to the Committee Substitute to **HB 19** by Representative Guenthner is as follows:

Amend printed copy of House Committee Substitute for **HB 19**, page 1, by striking everything after the enacting clause and substituting in lieu thereof the following:

"Section 1.

PART I
GENERAL FUND

There is appropriated out of the General Fund and, including any unappropriated surplus to the General Fund as of June 30, 1978, for the fiscal year beginning July 1, 1978, and ending June 30, 1979, and, including any unappropriated surplus to the General Fund as of June 30, 1979, for the fiscal year beginning July 1, 1979, and ending June 30, 1980, the following sums for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, and agencies of the State Government, and any and all other activities of the government of the Commonwealth of Kentucky subject to the provisions of Chapters 21, 42 and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part I listed as follows:

A. GENERAL GOVERNMENT

1. GOVERNOR

1978-79 .... $ 710,820
1979-80 .... $ 739,170

2. LIEUTENANT GOVERNOR

1978-79 .... $ 341,190
1979-80 .... $ 366,390

3. SECRETARY OF STATE

a. General Operations
1978-79 .... $ 581,220
1979-80 .... $ 616,950

b. Restoration of Land Grant Books
1978-79 .... $ 42,300
1979-80 .... $ 42,300

TOTAL—SECRETARY OF STATE
1978-79 .... $ 623,520
1979-80 .... $ 659,250

4. BOARD OF ELECTIONS

1978-79 .... $ 1,023,930
1979-80 .... $ 1,049,580

Included in the above appropriation is $634,500 each fiscal year to pay the state's share of county election expenses (KRS 117.345) and the state's share of voter registration expenses (KRS 116.105). Any unexpended balance remaining at the close of each fiscal year shall lapse to the credit of the General Fund. Any expenses in excess of the above amounts shall be deemed a necessary governmental expense.

5. TREASURER

1978-79 .... $ 767,880
1979-80 .... $ 793,800

6. DEPARTMENT OF LAW

1978-79 .... $ 2,287,080
1979-80 .... $ 2,479,680

Included in the above appropriation is $51,750 for fiscal year 1978-79 and $51,750 for fiscal year 1979-80 for the employment of three additional support staff for the Prosecutors Advisory Council.

7. AUDITOR OF PUBLIC ACCOUNTS

a. Investigations
1978-79 .... $ 79,200
1979-80 .... $ 108,900

Funds are appropriated for work other than routine financial audits.

b. County Audits
1978-79 .... $ 316,710
1979-80 .... $ 297,270

Funds are appropriated for audit of the receipt and expenditure of state and local funds by counties.

c. State Audits

1978-79	$ 813,240
1979-80	$ 1,169,910

Funds are appropriated for audit of the receipt and expenditures of funds by state agencies. Agencies and Funds to be audited during the 1978-80 biennium shall include the following:

1978-79

1) Executive Department for Finance and Administration
Review of the administrative and accounting controls of the state government to provide a basis for reliance thereon in auditing other state agencies. This will include a review of the policies and procedures of various state systems including purchasing, pre-audit, budgeting, accounting, computer operations, and internal audit. These tests will include some transactions in every agency of the government.
2) Capital Construction Fund
3) Salary Improvements for State Employees
4) Coal Miners' Pneumoconiosis Fund
5) Area Development Fund
6) Coal Severance Economic Aid Fund
7) Governor's General Contingency Fund
8) Commonwealth Credit Union
9) Data Processing
10) Federal Revenue Sharing Trust Fund
11) Trust and Revolving Fund Investment Pool
12) Agency-Federal Investment Pools Income
13) Coal Producing County Development Fund
14) Coal Severance Tax - Various Counties
15) Operating Fund Investment Pool Interest Income
16) Central Stores Operation
17) Duplicating - Printing Services
18) Rental Clearing Accounts - Various Buildings
19) Operating Funds for:
    Division of Air Transport
    Bureau of Computer Services
    Office for Policy and Management
    Bureau of Administrative Services
    Bureau of Facilities Management
20) Minimum Foundation Program and related programs
21) Natural Resources and Environmental Protection Cabinet
22) State Treasurer
23) Department of Personnel
24) Bureau of State Police
25) Kentucky Center for Energy Research
26) Murray State University
27) Kentucky State University
28) Kentucky Authority for Educational Television
29) Department of Fish and Wildlife
30) Department of Agriculture
31) Department of Parks
32) Department of Alcoholic Beverage Control
33) Heritage Commission

1979-80

1) General Government (Includes Finance)
2) Development Cabinet
3) Education and the Arts Cabinet
4) Higher Education
5) Department for Human Resources
6) Justice Cabinet
7) Natural Resources and Environmental Protection Cabinet
8) Public Protection and Regulation Cabinet
9) Department of Transportation
10) Teachers' Retirement System
11) Capital Construction
12) Judiciary

The Auditor of Public Accounts shall bill the respective state agencies for costs incurred in the audit of funds. The affected agencies shall pay the bills as submitted.

The Auditor of Public Accounts shall forward a copy of all billings of state agencies to the Executive Department for Finance and Administration. The Executive Department for Finance and Administration shall interaccount the respective state agencies for the amounts of the billings. The payment required in the paragraph above shall be deemed to have been made upon interaccount.

Proceeds from the billing of state agencies for audit of funds shall be credited to the General Fund.

Auditor of Public Accounts administrative and support costs shall be charged to the appropriate appropriations, and shall be included, where possible, in the billings to the auditees.

The Auditor of Public Accounts shall report in writing each sixty (60) days to the Interim Joint Committee on Appropriations and Revenue the progress of all state audits, together with copies of all completed audits. Such reports shall commence September 5, 1978.

No state agency shall enter into any contract with a non-governmental entity for an audit unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within thirty (30) days of receipt of a written request. The agency requesting the audit shall furnish the Auditor of Public Accounts a comprehensive statement of the scope and nature of the proposed audit.

Any expenses incurred in the auditing of federal disaster relief funds shall be deemed a necessary governmental expense.

TOTAL—AUDITOR OF PUBLIC ACCOUNTS

1978-79	$ 1,209,150
1979-80	$ 1,576,080

8. SECRETARY OF THE CABINET

1978-79	$ 468,270
1979-80	$ 490,680

9. GENERAL CONTINGENCY FUND

1978-79	$ 86,660,585
1979-80	$ 94,302,110

Funds are appropriated for meeting expenses deemed necessary by the Governor, and to be expended by the Governor, at his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

10. CAPITAL PLAZA

1978-79	$ 2,027,340
1979-80	$ 2,015,370

11. COUNTY COSTS

1978-79	$ 11,409,300
1979-80	$ 11,427,300

All county costs funded by the General Fund are deemed to be necessary governmental expenses and additional funds may be allotted from the General Fund surplus by the Secretary of the Executive Department for Finance and Administration.

12. DEPARTMENT OF FINANCE

a. State Planning Fund

1978-79	$ 1,890,000
1979-80	$ 1,890,000

Any portion of the above appropriation for the State Planning Fund may be transferred to other major program areas or agencies of state government for the purpose of funding planning studies approved by the State Planning Committee. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

b. General Operations

1978-79	$ 12,192,120
1979-80	$ 12,346,020

Included in the above appropriation is $135,000 each fiscal year for payment to the city of Frankfort for the provision of fire and police protection and other services for state owned property in accordance with KRS 45.155.

c. Salary Improvements for State Employees

1978-79	$ 15,120,000
1979-80	$ 16,920,000

Any portion of the above appropriation may be transferred to any major program area or agency of state government for the purpose of meeting salary and benefit improvements for state employees as determined to be needed by the Executive Department for Finance and Administration based upon the recommendation of the Department of Personnel.

Any unexpended balance in the account for salary improvements for state employees at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

d. Maxey Flats Operation

1978-79	$ 630,000
1979-80	$ 630,000

Funds are appropriated for the operations of the Maxey Flats nuclear waste facility. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year and any unexpended blance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

e. Coal Miners' Pneumoconiosis Fund
1978-79 .... $ 3,600,000
1979-80 .... $ 3,600,000

These funds are appropriated to the Coal Miners' Pneumoconiosis Fund. This fund shall be used for compensating coal worker claimants entitled to benefits for coal workers' pneumoconiosis or silicosis as defined in KRS Chapter 342. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

f. Coal Severance Economic Aid Fund
1978-79 .... $ 4,500,000
1979-80 .... $ 4,500,000

Funds are appropriated for the purpose of making grants to the coal severance economic aid boards in accordance with KRS 42.330. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

g. Area Development Fund
1978-79 .... $ 5,400,000
1979-80 .... $ 5,400,000

Funds are appropriated for the purpose of making grants to the area development districts in accordance with Acts 1976, chapter 339, section 2. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

TOTAL—DEPARTMENT OF FINANCE
1978-79 .... $ 43,332,120
1979-80 .... $ 45,286,020

13. GENERAL OBLIGATION BONDS
1978-79 .... $ 9,366,300
1979-80 .... $ 9,380,700

14. COMMISSION ON HUMAN RIGHTS
1978-79 .... $ 692,730
1979-80 .... $ 720,990

15. DEPARTMENT FOR LOCAL GOVERNMENT
1978-79 .... $ 2,689,740
1979-80 .... $ 2,710,350

16. DEPARTMENT OF MILITARY AFFAIRS
1978-79 .... $ 2,060,910
1979-80 .... $ 2,198,160

Any expenditures of funds as a result of the Governor's call of the Kentucky National Guard to active duty is hereby declared to be a necessary governmental expense provided, however, that an emergency situation shall have been declared to exist by the Governor.

17. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Kentucky Athletic Commission
1978-79 .... $ 39,330
1979-80 .... $ 41,130

b. Board of Proprietary Education
1978-79 .... $ 22,500
1979-80 .... $ 22,500

TOTAL—OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS
1978-79 .... $ 61,830
1979-80 .... $ 63,630

18. DEPARTMENT OF PERSONNEL
1978-79 .... $ 2,577,870
1979-80 .... $ 2,760,390

Included in the above appropriation is $450,000 in fiscal year 1978-79 and $540,000 in fiscal year 1979-80 for an Automobile Liability Reimbursement program to be administered by the Department of Personnel.

Notwithstanding the provisions of KRS 18.330, the above appropriations are to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Fund or

Revolving Trust and Agency Funds. Said appropriations may also be used for special training programs approved by the Secretary of the Executive Department for Finance and Administration.

Relative to merit hearings before the Personnel Board, the particular agency of which the complainant is or was an employee shall bear all of the administrative costs thereof whenever the Personnel Board rules in favor of the complainant, such as for example, but not limited to, the fees of court reporters, the printing or other reproduction expenses related to hearing transcripts, and other related matters. Relative to all appeals resulting from merit hearings of the Personnel Board, including appeals to the Circuit Court, Court of Appeals, or the Supreme Court, the particular agency of which the complainant in said hearing is or was an employee shall bear all of the costs thereof whenever the courts rule in favor of the complainant, chargeable to the Personnel Board, such as for example, but not limited to, legal fees and court costs and fees.

19. DEPARTMENT OF PUBLIC INFORMATION

1978-79	$ 3,763,800
1979-80	$ 3,829,500

Included in the above appropriation is $323,730 in fiscal year 1978-79 and $323,730 in fiscal year 1979-80 for the Cooperative Advertising program to encourage and assist local governments and agencies in the promotion of tourist attractions. The department may make matching grants not to exceed fifty percent (50%) of project cost to local governments and agencies for such purpose.

20. DEPARTMENT OF REVENUE

1978-79	$ 20,012,940
1979-80	$ 20,975,310

Included in the above appropriation is $5,776,560 in fiscal year 1978-79 and $6,204,510 in fiscal year 1979-80 for property valuation administrators; any expenses in excess of these amounts for property valuation administrators shall be deemed necessary governmental expenses.

21. FINANCIAL DISCLOSURE REVIEW COMMISSION

1978-79	$ 45,000
1979-80	$ 45,000

22. KENTUCKY PUBLIC EMPLOYEE DEFERRED COMPENSATION SYSTEM

1978-79	$ 77,760
1979-80	$ 81.810

23. COMMISSION ON WOMEN

1978-79	$ 74,430
1979-80	$ 76,950

24. PROSECUTORS ADVISORY COUNCIL

1978-79	$ 9,219,690
1979-80	$ 9,586,800

All expenditures concerning Commonwealth Attorneys and County Attorneys will be administered by the Executive Department for Finance and Administration while policy determination and decisions relating to discretionary funds will be made by the Prosecutors Advisory Council.

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse but shall continue into the 1978-79 fiscal year. Likewise, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse but shall continue into the 1979-80 fiscal year.

25. KENTUCKY HORSE COUNCIL

1978-79	$ 70,470
1979-80	$ 78,930

26. BOARD OF CLAIMS/CRIME VICTIMS COMPENSATION BOARD

1978-79	$ 527,400
1979-80	$ 527,400

Any unexpended balance, not to exceed $135,000, at the close of fiscal year 1977-78 shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance, not to exceed $135,000, at the close of fiscal year 1978-79 shall not lapse, but shall continue into the 1979-80 fiscal year.

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1978-79	$ 1,282,950
1979-80	$ 1,282,950

All items included within the Appropriations Not Otherwise Classified category shall be deemed necessary governmental expenses, and any expenditure over the above amounts is to be paid from the General Fund surplus. Appropriations Not Otherwise Classified includes the following items:

a. Back Tax Collections
b. Board of Claims Awards

Funds are appropriated for the repayment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund. However, awards under $500 in cases where the operating agency admits negligence shall be paid from funds available for the operations of such agencies.

c. Judgments

For payment of such judgments as may be rendered against the Commonwealth by courts and orders of the State Personnel Board; such payments, where applicable, shall be subject to the provisions of KRS Chapter 45. Also, to pay medical malpractice judgments against the University of Kentucky and the University of Louisville in accordance with KRS 164.941 and 164.892. However, in no event shall the total payments exceed the sum of $5,500,000 in any fiscal year.

d. Prior Year Claims

e. Unredeemed Checks Refunded

Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with the provisions of KRS 41.370.

f. Confederate Pensions

g. Blanket Employees Bonds

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

h. Franklin Circuit Court

For purposes of supplies and equipment in accordance with KRS 28.165.

i. Frankfort Planning Commission

j. Frankfort Cemetery

k. Public Improvements

Funds are appropriated for paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

l. Money Refunded

For refunding money paid into the State Treasury, which may later be determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and with the approval of the Secretary of the Executive Department for Finance and Administration and the Attorney General.

m. Police and Firemen - Life Insurance

Funds are appropriated for payment of benefits for state and local police and firemen in accordance with KRS 61.315.

n. Workmen's Compensation - Fee officers in counties over 75,000 in population

o. Master Commissioners - Employer Retirement

p. Master Commissioners - Social Security

q. Political Parties - Income Tax Checkoff

Funds are appropriated to pay all amounts designated by taxpayers on their income tax returns for remittance to the political party of their choice in accordance with KRS 141.072.

TOTAL—GENERAL GOVERNMENT

1978-79...$118,749,420
1979-80...$123,227,190

B. DEVELOPMENT

28. OFFICE OF THE SECRETARY

1978-79...$ 3,648,870
1979-80...$ 1,007,730

Included in the above appropriation is $4,000,000 in fiscal year 1977-78 and $2,700,000 in fiscal year 1978-79 for the Local Convention and Community Centers Fund. Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year. Included in the above appropriation is $91,620 for fiscal year 1978-79 and $96,300 in fiscal year 1979-80 for the Office of Developmental Planning.

29. DEPARTMENT OF PARKS

1978-79...$ 13,808,970
1979-80...$ 14,209,020

Included in the above appropriation is $90,000 in fiscal year 1978-79 and $90,000 in fiscal year 1979-80 for the implementation of the "Kentucky Trails System Act" as required by KRS 148.610 through 148.790.

30. DEPARTMENT OF AGRICULTURE

1978-79...$ 4,580,370
1979-80...$ 4,740,930

31. BREAKS INTERSTATE PARK COMMISSION

1978-79...$ 101,250
1979-80...$ 101,250

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at the Breaks Interstate Park. In accordance with the Breaks Interstate Compact this appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively, and any deficit in appropriations by this state may be removed.

32. COUNCIL OF ECONOMIC ADVISORS

1978-79	$ 127,350
1979-80	$ 127,350

33. DEPARTMENT OF COMMERCE

1978-79	$ 3,279,150
1979-80	$ 3,633,930

34. STATE FAIR BOARD

1978-79	$ 3,090,780
1979-80	$ 4,105,620

35. COUNCIL ON AGRICULTURE

1978-79	$ 383,760
1979-80	$ 395,910

36. KENTUCKY DEVELOPMENT FINANCE AUTHORITY

1978-79	$ 3,645,000
1979-80	$ 1,395,000

Included in the above appropriation is $2,250,000 in fiscal year 1978-79 for the Multi-County Industrial Site Development program. Any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into 1979-80 fiscal year.

Included in the above appropriation is $675,000 in each fiscal year for an Agriculture Loan program. Also included in the above appropriation is $450,000 in each fiscal year for a Tourism Loan program.

TOTAL—DEVELOPMENT CABINET

1978-79	$ 32,665,500
1979-80	$ 29,716,740

C. EDUCATION

37. OFFICE OF THE SECRETARY

1978-79	$ 283,500
1979-80	$ 274,050

38. ARTS COMMISSION

a. General Operations

1978-79	$ 316,260
1979-80	$ 317,700

b. Challenge Grants

1978-79	$ 367,200
1979-80	$ 440,640

To be distributed to local arts fund raising organizations in accordance with applicable regulations promulgated by the Kentucky Arts Commission.

TOTAL - ARTS COMMISSION

1978-79	$ 683,460
1979-80	$ 758,340

39. DEPARTMENT OF EDUCATION

a. General Administration and Support Services

1978-79	$ 3,651,210
1979-80	$ 3,735,450

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year.

b. Education for Exceptional Children

1) General Operations

1978-79	$ 1,246,500
1979-80	$ 1,369,980

2) Residential Services

1978-79	$ 3,577,050
1979-80	$ 4,165,020

Total - Education for Exceptional Children

1978-79	$ 4,823,550
1979-80	$ 5,535,000

c. School Foundation Program

1978-79	$541,835,370
1979-80	$599,796,810

Accumulated earnings for the Common School Fund shall each fiscal year be transferred to the School Foundation Program.

The amount to be included for the 1978-79 school year in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule, for a term of 185 days for each rank:

Rank Experience	I	II	III	IV	V
0-3 years	$11,493	$ 9,900	$ 8,397	$6,759	$5,967
4-9 years	12,690	11,097	9,684	6,759	5,967
10 years & over	13,761	12,168	11,007	6,759	5,967

Beginning with the school year 1979-80, the amount to be included in the Foundation Program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule, for a term of 185 days, for each rank:

Rank Experience	I	II	III	IV	V
0-3 years	$12,132	$10,467	$ 8,802	$7,065	$6,228
4-9 years	13,788	12,132	10,467	7,065	6,228
10 years & over	15,291	13,626	11,961	7,065	6,228

No working budget or salary schedule shall be approved in which the average salary paid any rank of teachers is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-three percent (93%) of the School Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board for Elementary and Secondary Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has, in fact, been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board for Elementary and Secondary Education, and said Board shall accept such certified determination as final.

The State Board for Elementary and Secondary Education shall not approve any working budgets or salary schedule summaries for local boards of education for the school years 1978-79 and 1979-80 in which the total amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries is not equal to the amount for 185 days on the salary schedule summary for School Foundation Program teachers' instructional salaries in the preceding year, plus the additional amount for teachers' salaries received by the district under this appropriation for a 185 day school term by assuming the same classroom units and rank and experience of teachers in the current year as in the preceding year in each local school district.

The allotment to any school district of classroom units, pursuant to KRS 157.360(1) shall not exceed the number of teachers employed by that school district.

Entitlement for basic classroom units obtained in schools of one classification shall not be allocated to schools of another classification. For the purposes of determining such entitlement, classification shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

In the determination of allotments pursuant to KRS 157.360(2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance or for any isolated one-teacher school which has fewer than 12 pupils in average daily attendance.

Notwithstanding the provisions of KRS 157.360(5), (6), and (10) the allotments, provision for which is made under this Act, for classroom units shall be as follows:

	1978-79	1979-80
Vocational Education	2,504	2,571

Exceptional Children	3,339	3,699
Kindergarten	720	1,116

Provided, however, that if the budgeted units in any category of classroom units — Vocational Education, Exceptional Children, Kindergarten, and classroom units for elementary and secondary schools — prove to be excessive, the surplus not to exceed (100) such classroom units may be reallocated to any other category or categories by the Superintendent of Public Instruction, upon the approval of the State Board for Elementary and Secondary Education, the Secretary of the Executive Department for Finance and Administration, and the Governor.

In the event the total number of Vocational Contract units for pupils attending state vocational-technical schools or state-operated vocational education centers falls short of the projected 650 units in the 1978-79 school year or 625 units in the 1979-80 school year, the Superintendent of Public Instruction is hereby authorized, with written approval of the Secretary of the Executive Department for Finance and Administration, to transfer funds from the School Foundation Program appropriation to the Bureau of Vocational Education for the purpose of supporting vocational education programs for the Kentucky public school system. In no event, however, shall the funds authorized to be transferred under this authority exceed the unit value difference between the actual contract units and 650 in the 1978-79 school year and the unit value difference between the actual contract units and 625 in the 1979-80 school year, provided that nothing herein shall jeopardize the School Foundation Program funding of the public common schools.

Allotments for classroom units pursuant to KRS 157.360(7) shall only be for those personnel enumerated under said section who are qualified for their respective positions under applicable provisions of law and regulations and who maintain programs which have been approved pursuant to applicable regulations.

The value for other current expenses in the 1977-78 school year through the School Foundation Program shall be to $2,084 for purposes of allotting a one-time grant to local school districts to defray energy related expenses. The amount to be included in the Foundation Program for other current expenses in the 1978-80 biennium shall be determined by multiplying the number of classroom units by: $2,385 in the 1978-79 school year and $2,655 in the 1979-80 school year.

The amount to be included in the Foundation Program for capital outlay shall be determined by multiplying the number of classroom units by: $1,620 in the 1978-79 school year and $1,620 in the 1979-80 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board for Elementary and Secondary Education may adopt regulations for the housing of school children. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than 185 days or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the Foundation Program fund at the end of the fiscal year 1978-79 and 1979-80 shall lapse to the General Fund except where provisions to the contrary are provided in this Act. No unexpended portions of the School Foundation Program fund shall be expended at any time for the purpose of KRS 156.610 through 156.650 except as identified in this Act.

The total appropriation for the School Foundation Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 et. seq. If the required expenditures exceed these estimates, the Secretary of the Executive Department for Finance and Administration, with approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, of the total appropriation to the Foundation Program is subject to Part V, General Provisions, Section 8, of this Act, and the provisions of KRS 45.160.

d. Power Equalization

1978-79	$ 18,900,000
1979-80	$ 28,350,000

Funds are appropriated for the purpose of equalizing expenditures among students in local school districts in accordance with KRS 157.545 - 157.575.

e. Gifted Students

1978-79	$ 509,130
1979-80	$ 1,006,740

Funds are appropriated for the purpose of supporting a program for gifted or talented school-aged children in Kentucky's public schools in accordance with applicable regulations promulgated by the State Board for Elementary and Secondary Education.

f. Remedial Education

1979-80	$ 1,575,000

These funds are appropriated for the purpose of supporting a remedial education program in conjunction with the Department of Education's statewide diagnostic testing program. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

g. Juvenile Delinquency Prevention

1978-79	$ 135,000
1979-80	$ 180,000

Funds are appropriated for the purpose of deterring juvenile delinquency by supporting special educational services for delinquent school-aged youth in Kentucky's public schools. Applicable regulations shall be promulgated by the State Board for Elementary and Secondary Education.

h. Instruction
1978-79 .... $ 8,598,690
1979-80 .... $ 9,995,850

Included in the above appropriation is $6,955,650 in fiscal year 1978-79 and $8,447,670 in fiscal year 1979-80 for the purchase of free textbooks in public schools.

i. Administration and Finance for Local School Systems
1978-79 .... $ 1,053,990
1979-80 .... $ 1,103,400

j. Out-of-District Children
1978-79 .... $ 1,340,010
1979-80 .... $ 1,691,460

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year.

Funds are provided for reimbursement to local school districts for programs provided in accordance with KRS 158.135 and applicable regulations. Provided, however, that if sufficient funds are not available to reimburse each district for the total cost of the services, each allocation shall be reduced in accordance with Part V, General Provisions, Section 8 of this Act.

k. Teacher Life Insurance
1978-79 .... $ 698,670
1979-80 .... $ 689,580

For providing life insurance to each full-time certificated and non-certificated employee of local boards of education.

l. Committee for School District Audits
1978-79 .... $ 204,390
1979-80 .... $ 220,050

m. Replacement of Student Fees
1978-79 .... $ 11,349,000
1979-80 .... $ 11,466,000

To be distributed to local school districts in accordance with appropriate administrative regulations to be promulgated by the Department of Education, for the abolishment of student fees. Twenty-five percent of each such allotment to local school districts shall be used for purchasing instructional materials.

n. Teacher Health Insurance
1978-79 .... $ 15,465,510
1979-80 .... $ 14,265,180

Funds are provided for the purchase of medical insurance for certificated and non-certificated full-time employees of local boards of education pursuant to applicable statutes and regulations. If the cost for life insurance or health insurance exceeds the level of appropriated funds in either of these categories, any unexpended School Foundation Program funds may be used to offset such expenditures, subject to the approval of the Secretary of the Executive Department for Finance and Administration.

o. State School Lunch Assistance
1978-79 .... $ 3,066,570
1979-80 .... $ 3,204,000

p. Vocational Education
1978-79 .... $ 28,549,440
1979-80 .... $ 31,708,170

Any unexpended balance at the close of the 1977-78 fiscal year shall not lapse, but shall continue into the 1978-79 fiscal year. Also, any unexpended balance at the close of the 1978-79 fiscal year shall not lapse, but shall continue into the 1979-80 fiscal year, if in the determination of the Superintendent of Public Instruction and the Secretary of the Executive Department for Finance and Administration it is necessary for the continued operation of vocational education facilities.

q. Rehabilitation Services
1978-79 .... $ 2,641,140
1979-80 .... $ 3,046,410

TOTAL—DEPARTMENT OF EDUCATION
1978-79 .... $642,821,670
1979-80 .... $717,569,100

40. KENTUCKY EDUCATIONAL TELEVISION
1978-79 .... $ 5,531,760
1979-80 .... $ 5,747,670

Included in the above appropriation is $553,185 in fiscal year 1978-79 and $551,475 in fiscal year 1979-80 for debt service.

41. HERITAGE COMMISSION

1978-79	$ 747,900
1979-80	$ 747,900

42. HISTORICAL SOCIETY

1978-79	$ 916,830
1979-80	$ 970,380

43. DEPARTMENT OF LIBRARY AND ARCHIVES

1978-79	$ 5,016,240
1979-80	$ 5,127,480

44. BUREAU FOR THE BLIND

1978-79	$ 665,730
1979-80	$ 679,860

Included in the above appropriation is $267,570 in fiscal year 1978-79 and $281,700 in fiscal year 1979-80 for Kentucky Industries for the Blind. Also included is not less than $144,000 in fiscal year 1978-79 and not less than $144,000 in fiscal year 1979-80 for direct client service authorizations in the General Blind Services program.

45. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

1978-79	$ 10,080
1979-80	$ 10,080

46. KENTUCKY SCHOOL BUILDING AUTHORITY

1978-79	$ 72,000
1979-80	$ 72,000

TOTAL—EDUCATION AND ARTS

1978-79	$656,749,170
1979-80	$731,956,590

47. TEACHERS' RETIREMENT SYSTEM

1978-79	$ 61,718,670
1979-80	$ 68,866,650

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 through 161.710.

48. COUNCIL ON HIGHER EDUCATION

1978-79	$ 7,250,490
1979-80	$ 7,468,830

Included in the $7,250,490 appropriation for the 1978-79 fiscal year is $1,236,690 for General Administration and Support activities; $1,161,810 for Statewide Operations; $427,500 for Regional Operations; $1,643,850 for the Area Health Education System; and $2,780,640 for the Institutional Pools.

Included in the $7,468,830 appropriation for fiscal year 1979-80 is $1,286,370 for General Administration and Support; $1,262,970 for Statewide Operations; $495,000 for Regional Operations; $1,643,850 for the Area Health Education System; and $2,780,640 for the Institutional Pools.

In fiscal year 1978-79, $2,250,000 and in fiscal year 1979-80, $2,250,000 is appropriated to the Council on Higher Education for allocation to the institutions of public higher education for undergraduate enrollment growth and program development. Any distribution of the funds for enrollment growth purposes shall be computed based upon the following factors.

1. The Council on Higher Education shall submit to Office for Policy and Management, Executive Department for Finance and Administration, on or before July 1 for the fiscal year for which the appropriation is available, all cost data, computations, and recommendations for distributing the funds for enrollment growth.
2. Recommendations to the Office for Policy and Management for allotment purposes shall be based upon the projected fall undergraduate credit hour production for the fiscal year in which the appropriation is available with a computation of the full time equivalent enrollments and credit hour production in the undergraduate programs for the two preceding fall and spring semesters.
3. The Council on Higher Education shall also furnish the Office for Policy and Management computations which reflect the total actual cost per credit hour and the amount of that cost which is supported by the state appropriation for the latest fiscal year that the data can be obtained. In furnishing such information the Council on Higher Education shall identify separately data regarding the University of Kentucky Community College system.
4. There is hereby established for calculation and distribution purposes an enrollment growth pool base year. This base year shall be defined as the level of undergraduate enrollments for the fall semester 1975 as calculated by the Council on Higher Education and utilized for distribution purposes in fiscal year 1976-77.

5. Enrollment growth computations after fiscal year 1975-76 shall be expressed as factors of this base. Allocations for enrollment increases over this base shall be reduced by allotments already received since the establishment of the base, except that any allotment for this purpose, for a preceding year shall not be reduced.
6. The amount to be distributed to each institution shall be based upon the analysis of cost as determined by the Council and projected growth, if any, in the number of undergraduate credit hours to be produced.
7. Institutions receiving enrollment growth funds in 1978-79 and 1979-80 based upon projected increases, which do not attain the projected levels will have that portion of the funds returned to the Council on Higher Education prior to April 1, 1979, and April 1, 1980.

Also, included in the Institutional Pools program is $530,640 each year of the biennium for the purposes of upgrading faculty salary levels at the regional universities and the community colleges. The Council shall notify the institutions of the distribution of funds on or prior to April 1, 1978. The distribution is to be effected prior to August 1, 1978 pending a review by the Council of the institutions faculty salary levels, and subsequent recommendation to the Office for Policy and Management.

49. HIGHER EDUCATION ASSISTANCE AUTHORITY
1978-79.......... $ 3,645,000
1979-80.......... $ 3,510,000

In fiscal year 1978-79 and 1979-80 $1,800,000 is appropriated for the State Student Incentive Grant Program. The Kentucky Tuition Grant Program is appropriated $1,710,000 in fiscal year 1978-79 and $1,710,000 in fiscal year 1979-80. Also, $135,000 is appropriated in fiscal year 1978-79 for the Commonwealth Work/Study program.

50. UNIVERSITY OF KENTUCKY
1978-79.......... $100,899,090
1979-80.......... $110,869,020

51. UNIVERSITY OF LOUISVILLE
1978-79.......... $ 50,747,490
1979-80.......... $ 58,474,080

52. EASTERN KENTUCKY UNIVERSITY
1978-79.......... $ 23,215,140
1979-80.......... $ 25,002,360

53. WESTERN KENTUCKY UNIVERSITY
1978-79.......... $ 22,189,230
1979-80.......... $ 23,720,850

54. MOREHEAD STATE UNIVERSITY
1978-79.......... $ 14,219,460
1979-80.......... $ 15,258,510

55. MURRAY STATE UNIVERSITY
1978-79.......... $ 17,196,930
1979-80.......... $ 18,787,410

56. KENTUCKY STATE UNIVERSITY
1978-79.......... $ 6,810,750
1979-80.......... $ 7,728,840

57. NORTHERN KENTUCKY UNIVERSITY
1978-79.......... $ 12,001,320
1979-80.......... $ 12,960,270

TOTAL—HIGHER EDUCATION
1978-79.......... $258,174,900
1979-80.......... $283,780,170

D. HUMAN RESOURCES

58. DEPARTMENT FOR HUMAN RESOURCES
a. Bureau for Social Insurance
1. Administration
1978-79.......... $ 20,174,040
1979-80.......... $ 21,398,490

In the event that any portion of this appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the bureau, such amount, with the approval of the Governor, may be used for Public Assistance Benefits to the needy in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance. In no instance shall these excess funds be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration. Notwithstanding KRS 45.235, any unexpended balance not used for Public Assistance Benefits remaining at the close of the 1978-79 fiscal year shall lapse.

2. Benefits
1978-79..$116,630,010
1979-80..$130,263,390

To be used for the payment of benefits in accordance with the statutes governing the functions and activities of the Bureau for Social Insurance.

Included in the above appropriation for benefits is not more than $81,000 in fiscal year 1978-79 and not more than $81,000 in fiscal year 1979-80 to be utilized for the purpose of providing dentures as an optional program service to recipients of medical assistance. Except that any unused portion of the $81,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $81,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of dentures shall cease as an optional program service under medical assistance.

Also, included in the above appropriation for benefits is not more than $675,000 in fiscal year 1978-79 and not more than $675,000 in fiscal year 1979-80 to be utilized for a program of short-term crisis assistance. Except that any unused portion of the $675,000 appropriated for this purpose in fiscal year 1978-79 shall be carried forward and added to the $675,000 appropriated for this purpose in fiscal year 1979-80. Once these amounts are exhausted, the provision of short-term crisis assistance shall cease.

No portion of this appropriation may be used for the costs of administration except with the prior written approval of the Governor. In no instance shall the unexpended balance carried forward, as provided by KRS 45.235, or any portion thereof be used, without the prior written approval of the Governor, to:

1. establish a new program,
2. expand the services of an existing program,
3. increase rates or payment levels in an existing program.

In instances where approval is given, notification shall be immediately forwarded to the Legislative Research Commission, along with the Governor's written approval and supporting documents from the Department for Human Resources and the Executive Department for Finance and Administration.

All medical assistance vendor statements for services rendered as a result of bona fide claims for medical care may be paid in the fiscal year in which such statements are received by the paying agency.

b. Bureau for Manpower Services
1978-79..$ 522,000
1979-80..$ 522,000

c. Bureau for Health Services
1978-79..$ 55,666,170
1979-80..$ 61,779,870

d. Bureau for Social Services
1978-79..$ 23,795,910
1979-80..$ 25,710,390

e. Executive Policy Support
1978-79..$ 8,475,030
1979-80..$ 8,417,430

TOTAL—HUMAN RESOURCES
1978-79..$225,263,160
1979-80..$248,091,570

E. JUDICIARY

59. JUDICIARY

a. Court Operation and Administration
1978-79..$ 31,118,130
1979-80..$ 32,281,920

To be used for the purposes of the Supreme Court, Court of Appeals, Circuit Court, District Court, Clerk of Supreme Court, Court Administrators, the Administrative Office of the Court, Pretrial Release, Judicial Boards and Commissions, Judicial Retirement, and for services performed by the Circuit Clerk offices, including both circuit and district court support. The specific allocation of clerk personnel and operating expenses shall be made by the Administrative Office of the Court of Justice, based on the statewide need.

Excluded from the above appropriation are funds for all judges' salary increases.

Included in the above appropriation is $266,400 in fiscal year 1978-79 and $266,400 in fiscal year 1979-80 to be used for employment of secretary/recorders for district judges. The specific allocation of district court secretary/recorders and operating expenses shall be made by the Administrative Office of the Court of Justice based upon the same procedures for the allocation of circuit clerk deputies.

b. Local Facility Support
1978-79 .... $ 3,227,850
1979-80 .... $ 4,385,700

To be used to secure court facilities to support the Unified Court of Justice system.

TOTAL—JUDICIARY
1978-79 .... $ 34,345,980
1979-80 .... $ 36,667,620

F. JUSTICE

60. DEPARTMENT OF JUSTICE

a. Bureau of Training
1978-79 .... $ 1,449,900
1979-80 .... $ 1,473,750

b. Bureau of Corrections
1978-79 .... $ 23,762,790
1979-80 .... $ 25,886,610

c. Bureau of State Police
1978-79 .... $ 33,708,330
1979-80 .... $ 35,774,550

Any extraordinary expenditures of funds as a result of the Governor's call of the Kentucky State Police to extraordinary duty is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor. This section shall become effective immediately upon its enactment by the General Assembly and approval by the Governor and shall be deemed to be retroactive for the 1977-78 fiscal year.

d. Public Defender
1978-79 .... $ 2,531,430
1979-80 .... $ 2,668,410

e. Justice Administration
1978-79 .... $ 7,588,980
1979-80 .... $ 7,635,690

The annual criminal justice plan developed by the Department of Justice as required by Federal law shall be submitted upon publication to the Interim Joint Appropriations and Revenue Committee.

TOTAL—DEPARTMENT OF JUSTICE
1978-79 .... $ 69,041,430
1979-80 .... $ 73,439,010

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

61. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources
1978-79 .... $ 9,203,400
1979-80 .... $ 8,024,220

Not less than $54,000 of the appropriation for each fiscal year shall be set aside for emergency forest fire suppression. Any expenditure for emergency fire suppression in excess of this amount in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation shall have been declared to exist by the Governor.

b. Bureau for Environmental Protection
1978-79 .... $ 4,912,200
1979-80 .... $ 4,989,060

In the event that enabling legislation to implement a vehicle emissions inspection program is not enacted by the 1978 General Assembly, $198,360 in fiscal year 1978-1979 and $30,600 in fiscal year 1979-80 of the above appropriations shall remain unallotted and shall lapse to the credit of the General Fund and the Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer $90,000 in fiscal year 1979-80 to the Bureau for Natural Resources for the purpose of equipment replacement and $5,400 in fiscal year 1978-79 and $5,400 in fiscal year 1979-80 to the Kentucky Nature Preserves Commission for the purpose of agency operations.

c. Bureau for Surface Mining Reclamation and Enforcement
1978-79 .... $ 3,480,660
1979-80 .... $ 3,773,790

d. General Administration and Support
1978-79 .... $ 1,552,230
1979-80 .... $ 1,617,390

TOTAL—DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1978-79	$ 19,148,490
1979-80	$ 18,404,460

62. ENVIRONMENTAL QUALITY COMMISSION

1978-79	$ 42,750
1979-80	$ 42,750

63. KENTUCKY NATURE PRESERVES COMMISSION

1978-79	$ 87,660
1979-80	$ 93,690

TOTAL—NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

1978-79	$ 19,278,900
1979-80	$ 18,540,900

H. PUBLIC PROTECTION AND REGULATION

64. OFFICE OF THE SECRETARY

1978-79	$ 151,830
1979-80	$ 159,840

65. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1978-79	$ 761,670
1979-80	$ 801,540

66. DEPARTMENT OF BANKING AND SECURITIES

1978-79	$ 1,442,340
1979-80	$ 1,511,820

Notwithstanding the provision of KRS 47.130, receipts collected by the Department shall be paid into the General Fund.

67. BOARD OF TAX APPEALS

1978-79	$ 106,470
1979-80	$ 109,170

68. DEPARTMENT OF INSURANCE

1978-79	$ 1,152,990
1979-80	$ 1,212,030

69. DEPARTMENT OF LABOR

1978-79	$ 1,065,330
1979-80	$ 1,083,960

70. REGISTRY OF ELECTION FINANCE

1978-79	$ 170,550
1979-80	$ 170,550

71. DEPARTMENT OF MINES AND MINERALS

1978-79	$ 3,672,810
1979-80	$ 3,496,860

72. PUBLIC SERVICE COMMISSION

1978-79	$ 1,998,360
1979-80	$ 2,066,490

Included in the above appropriation is $155,970 in fiscal year 1978-79 and $152,100 in fiscal year 1979-80 for compliance with the National Energy Act (HR 8444). In the event that the National Energy Act (HR 8444) is not enacted by the United States Congress during the 1978-80 biennium, these funds shall remain unallotted and shall lapse to the credit of the General Fund at the end of each fiscal year.

73. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

1978-79	$ 72,900
1979-80	$ 75,600

74. KENTUCKY STATE RACING COMMISSION

1978-79	$ 399,780
1979-80	$ 451,620

75. KENTUCKY HARNESS RACING COMMISSION

1978-79	$ 281,070
1979-80	$ 297,810

76. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

1977-78	$ 500,000
1978-79	$ 2,679,930
1979-80	$ 2,735,190

TOTAL—PUBLIC PROTECTION AND REGULATION

1977-78	$ 788,500
1978-79	$ 13,947,930
1979-80	$ 14,172,480

I. TRANSPORTATION

77. DEPARTMENT OF TRANSPORTATION

a. Air Transportation

1978-79	$ 2,226,060
1979-80	$ 2,608,470

Included in the above appropriation is $1,872,270 in fiscal year 1978-79 and $2,248,830 in fiscal year 1979-80 for the Airport Development Fund. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

b. Water Transportation

1978-79	$ 868,500
1979-80	$ 908,550

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

c. Rail Transportation

1978-79	$ 428,400
1979-80	$ 698,400

Included in the above appropriation is $378,000 in fiscal year 1978-79 and $648,000 in fiscal year 1979-80 for the purpose of establishing a Railroad Development program. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

d. Public Transportation

1978-79	$ 633,060
1979-80	$ 633,060

Included in the above appropriation is $450,000 each fiscal year for the purchase of general municipal transportation vehicles. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

e. General Administration and Support

1978-79	$ 522,810
1979-80	$ 522,810

Included in the above appropriation is $112,500 each fiscal year for the purpose of conducting a continuing statewide transportation systems planning program relating to rail, water and air freight, and commodity movement. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

f. Highways

1) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79	$ 3,442,140
1979-80	$ 3,613,050

The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

2) Energy Road Fund

1978-79	$ 11,700,000
1979-80	$ 11,700,000

These funds are appropriated to the Energy Road Fund. This fund shall be used for the construction or reconstruction, repair and maintenance of any public highway, road, street or bridge in "coal producing counties" as defined by law. The total General Fund appropriation stated above may be transferred for administrative purposes to the Transportation Fund for allotment and expenditure.

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79	$ 19,820,970
1979-80	$ 20,684,340

J. ENERGY

78. DEPARTMENT OF ENERGY

a. General Operations

1978-79	$ 6,167,970
1979-80	$ 6,494,490

b. Demonstration Trust Fund

1978-79	$ 900,000
1979-80	$ 3,060,000

The Department of Energy will be responsible for the functions previously carried out by the Kentucky Center for Energy Research and the Department of Energy.

TOTAL—DEPARTMENT OF ENERGY

1978-79	$ 7,067,970
1979-80	$ 9,554,490

PART II

TRUST AND AGENCY FUNDS

There is appropriated to the various officers, cabinets, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal year ending June 30, 1979, and for the fiscal year ending June 30, 1980, all of the fees (which include fees for board and room, athletics, and student activities) and rental, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, Federal grants and other Federal funds received, contributions, income from investments and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Trust and Revolving, or an Agency Fund out of which shall be established separate Trust and Revolving or Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized. All funds received are appropriated and shall be deposited in the State Treasury and credited to the proper account as provided by KRS Chapters 12, 42, and 45.

In the event receipts received and credited to any Trust and Revolving or Agency Fund account during fiscal year 1978-79 or fiscal year 1979-80 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account for the fiscal year in which the excess occurs; provided, however, that with the exception of Federal grants and other Federal funds received, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the Executive Director of the Office for Policy and Management upon approval of the Secretary of the Executive Department for Finance and Administration.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Trust and Revolving or Agency Fund account, through the Executive Department for Finance and Administration, during the fiscal year ending June 30, 1979, and during the fiscal year ending June 30, 1980, all receipts placed to the credit of the Trust and Revolving or Agency Fund for such year, out of which has been established a Trust and Revolving or Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before August 31, of the then current fiscal year, by the Executive Department for Finance and Administration. On or before the beginning of each fiscal year, each agency shall submit to the Executive Department for Finance and Administration schedules showing estimated receipts and estimated expenditures by quarterly period.

A. GENERAL GOVERNMENT

1. AUDITOR OF PUBLIC ACCOUNTS

a. Auditing County Governments

2. SECRETARY OF STATE

Notwithstanding the provisions of KRS 271A.625, KRS 271A.630, KRS 271A.635, and KRS 56.300; all the operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Fund.

3. CAPITAL PLAZA

a. Commercial Area

1978-79	$ 104,000
1979-80	$ 99,000

b. Recreation and Entertainment Facilities

1978-79	$ 115,400
1979-80	$ 120,500

c. Debt Service

4. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

All funds received under the federal Public Works Employment Act of 1976, Title II, Public Law 94-369 as amended by Title VI of Public Law 95-30 and as subsequently reenacted or amended are hereby appropriated to the Executive Department for Finance and Administration to be used for the maintenance of basic services in and among the various agencies, cabinets, and departments of state government. Any portion of these funds may be transferred to other major program areas or agencies of state government for the purpose of continuing basic services; provided, however, that such transfers shall be used to reduce General Fund appropriations and shall not in any way increase the expenditure level authorized by the General Assembly.

5. KENTUCKY RETIREMENT SYSTEMS

6. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

	1978-79	1979-80
a. Board of Accountancy	$ 94,800	$124,900
b. Board of Architects	$ 52,000	$ 53,100
c. Board of Auctioneers	$ 48,700	$ 48,700
d. Board of Barbers	$105,200	$111,700
e. Board of Chiropractic Examiners	$ 36,000	$ 39,000
f. Board of Dental Examiners	$ 79,000	$ 83,700
g. Board of Embalmers and Funeral Directors	$ 43,800	$ 51,600
h. Board of Engineers and Land Surveyors	$125,400	$128,800
i. Board of Hairdressers and Cosmetologists	$311,400	$297,500
j. Board of Hearing Aid Dealers	$ 8,500	$ 8,200
k. Board of Landscape Architecture	$ 8,300	$ 8,600
l. Board of Medical Licensure	$145,500	$145,500
m. Board of Nurses	$320,100	$335,300
n. Nursing Home Administrators Licensure Board	$ 24,900	$ 25,500
o. Board of Ophthalmic Dispensers	$ 6,200	$ 6,300
p. Board of Optometric Examiners	$ 18,400	$ 18,400
q. Board of Pharmacy	$163,600	$171,600
r. Board of Physical Therapy	$ 13,600	$ 15,000
s. Board of Podiatry	$ 2,500	$ 2,500
t. Board of Proprietary Education	$ 41,400	$ 44,300
u. Board of Psychology	$ 17,000	$ 16,700
v. Real Estate Commission		
1. Examination and Licensing	$266,800	$277,800
2. Real Estate Education Research and Recovery	$349,500	$357,500
w. Board of Social Workers	$ 40,300	$ 42,100
x. Board of Speech Pathologists and Audiologists	$ 6,900	$ 6,500
y. Board of Veterinary Examiners	$ 18,600	$ 18,600
z. Board of Watchmaking	$ 9,300	$ 9,300

7. DEPARTMENT OF PERSONNEL

8. DEPARTMENT OF REVENUE

9. COUNTY FEES

County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell, and Daviess are for paying the various officials of each county enumerated, seventy-five percent (75 percent) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Executive Department for Finance and Administration in the form and manner prescribed by law and approved by the Secretary of the Executive Department for Finance and Administration, and to pay the Fiscal Court of each of said counties twenty-five percent (25 percent) of said fees as required by KRS 64.350.

10. MILITARY AFFAIRS

11. DEPARTMENT OF LAW	
a. Uninsured Employers Fund	
1978-79	$ 331,000
1979-80	$ 354,500
b. Anti-Trust Unit	
1978-79	$ 124,000
1979-80	$ 32,500
12. KENTUCKY HORSE COUNCIL	
13. BOARD OF ELECTIONS	
1978-79	$ 25,000
1979-80	$ 25,000
14. DEPARTMENT FOR LOCAL GOVERNMENT	

B. DEVELOPMENT

15. OFFICE OF THE SECRETARY	
1978-79	$ 150,000
1979-80	$ 150,000
16. DEPARTMENT OF PARKS	
1978-79	$ 20,162,400
1979-80	$ 21,937,000
17. DEPARTMENT OF AGRICULTURE	
1978-79	$ 1,881,000
1979-80	$ 1,910,800
18. DEPARTMENT OF FISH AND WILDLIFE	
19. DEPARTMENT OF COMMERCE	
1978-79	$ 460,000
1979-80	$ 354,000
20. STATE FAIR BOARD	
1978-79	$ 7,457,200
1979-80	$ 7,396,000
21. KENTUCKY INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY	
1978-79	$ 1,303,400
1979-80	$ 851,000

C. EDUCATION

22. ADVISORY COUNCIL FOR VOCATIONAL EDUCATION	
23. OFFICE OF THE SECRETARY	
24. ARTS COMMISSION	
25. DEPARTMENT OF EDUCATION	
a. General Administration and Support Services	
b. Education for Exceptional Children	
1978-79	$ 5,414,200
1979-80	$ 7,901,900
c. Instruction	
1978-79	$ 45,000,000
1979-80	$ 45,000,000
d. Administration and Finance for Local School Systems	
e. Vocational Education	
1978-79	$ 28,000,000
1979-80	$ 28,000,000
f. Vocational Rehabilitation	
1978-79	$ 15,000,000
1979-80	$ 16,000,000
26. KENTUCKY EDUCATIONAL TELEVISION	

27. HERITAGE COMMISSION

28. HISTORICAL SOCIETY

29. DEPARTMENT OF LIBRARY AND ARCHIVES

30. BUREAU FOR THE BLIND

31. TEACHER'S RETIREMENT SYSTEM

32. COUNCIL ON HIGHER EDUCATION

1978-79	$ 316,700
1979-80	$ 297,100

33. HIGHER EDUCATION ASSISTANCE AUTHORITY

Those fund balances in the student loan program may with the approval of the Office for Policy and Management be expended for loans, loan reserves, and other purposes related to the Authority's implementation of the state insured loan program.

34. UNIVERSITY OF KENTUCKY

35. UNIVERSITY OF LOUISVILLE

36. EASTERN KENTUCKY UNIVERSITY

37. WESTERN KENTUCKY UNIVERSITY

38. MOREHEAD STATE UNIVERSITY

39. MURRAY STATE UNIVERSITY

40. KENTUCKY STATE UNIVERSITY

41. NORTHERN KENTUCKY UNIVERSITY

D. HUMAN RESOURCES

42. DEPARTMENT FOR HUMAN RESOURCES

a. Bureau for Social Insurance

1978-79	$420,869,800
1979-80	$437,610,300

b. Bureau for Manpower Services

1978-79	$ 58,329,000
1979-80	$ 54,415,400

c. Bureau for Health Services

1978-79	$ 56,751,900
1979-80	$ 59,887,300

d. Bureau for Social Services

1978-79	$ 59,725,000
1979-80	$ 61,755,800

e. Executive Policy Support

1978-79	$ 16,906,900
1979-80	$ 18,652,600

E. JUDICIARY

43. JUDICIARY

1978-79	$ 973,600
1979-80	$ 974,300

F. JUSTICE

44. DEPARTMENT OF JUSTICE

a. Bureau of Training

1978-79	$ 125,500
1979-80	$ 132,100

b. Bureau of Corrections

1978-79	$ 2,164,800
1979-80	$ 1,987,600

c. Bureau of State Police

1978-79	$ 777,000
1979-80	$ 450,000
d. Public Defender	
1978-79	$ 50,700
1979-80	$ 29,500
e. Justice Administration	
1978-79	$ 6,421,300
1979-80	$ 6,598,700

G. NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

45. DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

a. Bureau for Natural Resources	
1978-79	$ 485,000
1979-80	$ 485,000
b. Bureau for Environmental Protection	
1978-79	$ 550,000
1979-80	$ 1,415,000
c. General Administration and Support	
1978-79	$ 325,000
1979-80	$ 325,000
d. Bureau for Surface Mining Reclamation and Enforcement	

H. PUBLIC PROTECTION AND REGULATION

46. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

1978-79	$ 3,000
1979-80	$ 3,000

47. DEPARTMENT OF INSURANCE

48. DEPARTMENT OF LABOR

a. Occupational Safety and Health	
1978-79	$ 3,574,400
1979-80	$ 3,798,400
b. Special Fund	
c. Elevator Safety	
1978-79	$ 43,600
1979-80	$ 43,600
d. Workmen's Compensation Board	
1978-79	$ 1,906,900
1979-80	$ 1,979,300

For the general operations of the Workmen's Compensation Board and administrative services provided to the Board through the General Administration and Support program.

49. DEPARTMENT OF MINES AND MINERALS

1978-79	$ 447,800
1979-80	$ 491,000

50. KENTUCKY QUARTER HORSE AND APPALOOSA COMMISSION

51. KENTUCKY STATE RACING COMMISSION

52. KENTUCKY HARNESS RACING COMMISSION

53. PUBLIC SERVICE COMMISSION

54. DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

I. TRANSPORTATION

55. DEPARTMENT OF TRANSPORTATION

a. Air Transportation	
1978-79	$ 5,532,500
1979-80	$ 8,276,200
b. Water Transportation	
c. Rail Transportation	
d. Mass Transportation	
e. General Administration	
f. Highways	

1) Bureau of Highways
2) Bureau of Vehicle Regulation
   1978-79..$ 1,551,500
   1979-80..$ 1,570,600

J. ENERGY

56. DEPARTMENT OF ENERGY
   1978-79..$ 3,860,700
   1979-80..$ 2,571,700

PART III
TRANSPORTATION FUND

Monies in the Transportation Fund are appropriated for use by the Department of Transportation in its activities, functions, and duties performed by it as prescribed by law. The Transportation Fund shall consist of all the state revenues realized from fees, taxes, and license fees levied for state road purposes authorized by law, and any additional or other revenues, grants, or funds, including any amount which may be received from Federal aid, bond funds, General Funds appropriated, or any other sources pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Transportation. Such receipts and revenues, and unappropriated surplus, together with any balance as of June 30, 1978, shall constitute the Transportation Fund for the fiscal years 1978-79 and 1979-80 respectively. An annual budget for each fiscal year shall be submitted by the Department of Transportation to the Executive Department for Finance and Administration for approval by June 1, 1978, for fiscal year 1978-79 and by June 1, 1979, for fiscal year 1979-80. The budget shall be based upon the most current State Road Fund estimates and Surplus, estimates of contractual and noncontractual Federal aid, General Fund appropriated, and funds and fees from any other source.

In the event the State Road Fund estimates are revised during the biennium the Department of Transportation shall submit its annual budget based upon the new estimates. These estimates are to be certified by the Commissioner of Revenue to the Secretary of the Executive Department for Finance and Administration and upon the approval of the Governor the Secretary of the Executive Department for Finance and Administration shall make the appropriate increases or decreases to the Department of Transportation's annual budget. If the State Road Fund estimates are increased or decreased during a fiscal year the Department of Transportation shall request from the Executive Department for Finance and Administration with approval of the Governor authority to increase or decrease its annual budget in accordance with Part V, General Provisions, Section 8 of this Act. The following monies are appropriated from the State Road Fund.

A. TRANSPORTATION

1. DEPARTMENT OF TRANSPORTATION
   a. General Administration
      1978-79..$ 32,494,200
      1979-80..$ 33,413,700
   b. Highways
      1) Bureau of Highways
         1978-79..$361,693,500
         1979-80..$375,394,000

Included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $15,000,000 for the County Road Aid program. Also included in the above appropriation for fiscal year 1978-79, in addition to the amount designated pursuant to KRS 138.220 and 138.565 is $5,000,000 for the Municipal Aid program. In the event that the United States Congress fails to provide funding for the establishment of a "Federal Coal Haul Road System", $10,000,000 in fiscal year 1979-80 of state Road Fund monies shall be used for the County Road Aid program.

a) Rural Highways
   i. County Road Aid. For construction, reconstruction, improvement, and maintenance of county roads and bridges the designated portion of all revenue received pursuant to KRS 138.220 and 138.565 shall be expended in accordance with KRS 177.320(2). These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360.
   ii. Rural Secondary Roads. For construction, reconstruction, and maintenance of rural and secondary roads, the designated portion of all revenue received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended in accordance with KRS 177.320. These funds shall be distributed in accordance with the formula prescribed by the provisions of KRS 177.360. In addition, pursuant to the duties and responsibilities of county judges/executives associated with the administration of the local county road program, beginning January 1, 1978, the expense allowance for each county judge/executive shall be paid from the Transportation Fund. These expenses shall be paid from those appropriated funds for the rural secondary road revenue sharing program as provided in KRS 177.360 and KRS 67.

b) Municipal Aid. For the construction, reconstruction, and maintenance of urban roads, streets, and bridges, the designated amounts received pursuant to the provisions of KRS 138.220 and 138.565, shall be expended and distributed in accordance with KRS 177.365 through 177.368.

2) Bureau of Vehicle Regulation
(Except Division of Water Enforcement)

1978-79	$ 2,642,100
1979-80	$ 3,278,200

Total—Highways

1978-79	$364,335,600
1979-80	$378,672,200

TOTAL—DEPARTMENT OF TRANSPORTATION

1978-79	$396,829,800
1979-80	$412,085,900

PART IV
CAPITAL CONSTRUCTION FUND
A. GENERAL FUND
1. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1978-79	$ 6,616,530
1979-80	$ 2,290,230

Monies are appropriated for capital projects among those enumerated in the budget document and among those capital projects previously and partially funded by the 1974 General Assembly and those projects authorized by the 1976 Extraordinary Session, consisting of general construction, renovation, maintenance, improvements, property acquisition, major items of equipment, and administrative costs relating to the design, construction, and supervision of such capital projects, including, but not limited to, reclamation and industrial development projects, dam repair and maintenance, flood damage abatement projects, sewer projects and loans and grants in aid for capital purposes, the provisions of subsection (9) of KRS 45.040 notwithstanding, excluding however consumable and other usable supplies. Those projects set forth in the budget document under the subheading "colleges and universities" are subject to substitution upon action of the Council on Higher Education and subject to the approval of the Executive Department for Finance and Administration. There shall be allocated from the balance of the Capital Construction Fund remaining on June 30, 1978, $675,000 for fiscal year 1978-79 and $675,000 for fiscal year 1979-80 for replacement of major items of equipment for Kentucky Educational Television. The funds are appropriated for this purpose.

The Council on Higher Education shall submit to the Legislative Research Commission written notice prior to the issuance and sale of definitive bonds or temporary bonds or the securing of interim financing through bond anticipation notes, loan agreements or by any other means by any state college or university. This notice shall identify the project to be funded as well as the source and amount of funds.

All monies transferred to the Executive Department for Finance and Administration for capital construction from any appropriations, including income from investments, shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Executive Department for Finance and Administration for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed $2,000,000 and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the Secretary of the Executive Department for Finance and Administration, with the concurrence of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

The Secretary of the Executive Department for Finance and Administration is hereby authorized to transfer up to ten (10) million dollars in funds from the School Foundation Program to the Capital Construction Fund for fiscal year 1977-78 for the purpose of removing architectural barrier from public buildings. The transfer shall only be completed upon verification from the Department of Education that uncommitted funds are available in the School Foundation Program and that the transfer of such funds will not jeopardize the intent of previous appropriations or the School Foundation Program appropriation and uses of the School Foundation Program Fund described elsewhere in this Act.

B. FEDERAL REVENUE SHARING
2. EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1978-79	$ 40,000,000
1979-80	$ 41,000,000

These funds are appropriated in accordance with the provisions of the federal State and Local Fiscal Assistance Act of 1972 and extension thereof. In the event these monies, or any portion thereof, are not made available to the Commonwealth, the Secretary of the Executive Department for Finance and Administration shall take appropriate action as required by Part V, General Provisions, Section 8 of this Act.

PART V
TAXPAYER RELIEF FUND
GENERAL FUND
EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

1978-79	$ 84,635,585

1979-80 .... $ 92,277,110

PART VI
GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1978,except Chapter 27, Part I, Section D of the 1976 Extraordinary Session Acts of the General Assembly which is hereby repealed, and nothing in this Act is to be construed as amending or altering the provisions of Chapters 42 and 45 of the Kentucky Revised Statutes pertaining to the duties and powers of the Secretary of the Executive Department for Finance and Administration. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Secretary for Finance and Administration in accordance with the detailed estimates embodied in the Executive Budget 1978-80 and supporting work papers, as considered by the General Assembly, and the decision of the Secretary of the Executive Department for Finance and Administration shall be final and conclusive.

2. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

3. The Secretary of the Executive Department for Finance and Administration is authorized to establish a system or formula or a combination of both for pro-rating the administrative costs of the Department of Personnel, Executive Department for Finance and Administration, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs.

4. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 56, 152, 177 and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of this Section, to the extent of such conflict, are hereby repealed.

5. No state agency, cabinet, department, office or program shall incur any obligation against the General Fund appropriations contained herein unless such obligation may be reasonably determined to have been contemplated in the Governor's budget proposal and is supported by appropriate work papers and other records pertaining thereto.

6. Any appropriation made herein by the General Fund in anticipation of a lack, loss or reduction of Federal grants shall lapse to the General Fund to the extent such Federal funds otherwise become available.

7. All funds received under the Federal Social Security Amendments of 1977, Public Law 95-216 (H.R. 9346, Sec. 401, 402, and 405) are hereby appropriated to the Department for Human Resources to be used to implement Community Work Experience programs as established under Kentucky Revised Statutes 205.650 - 205.700. In enacting this section of this Appropriation Act, it is the deliberate intention of the General Assembly that these funds should be used, within federal law and regulation, for federal match whenever possible to maximize their statewide impact.

8. Whereas, inasmuch as the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, cabinet, department, board, commission, institution, agency or other activity or subdivision of state government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Fund and to the Transportation Fund and accruing from various fees or from Federal funds from which appropriations are made can only be anticipated as being produced through existing laws and those that may hereafter be enacted, and recognizing the complex nature of the economy, it is the purpose and intention of this Act that the expenditures for each fiscal year shall not exceed the total financial resources accruing to any Fund, as defined in KRS Chapter 45, for the same fiscal year. As the conditions cannot be fully determined until after the adjournment of the 1978 General Assembly, and as the needs of each officer, cabinet, department, board, agency, commission, institution, subdivision or activity of state government, together with the total financial resources accruing to the General Fund and the Transportation Fund cannot be fully determined at this time, it is the intention and purpose of this General Assembly that the Secretary of the Executive Department for Finance and Administration, with the advice of the Commissioner of the Department of Revenue, upon approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government and to ascertain the total financial resources anticipated to be accrued to the General Fund and the Transportation Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Secretary of the Executive Department for Finance and Administration, in the manner set forth as provided by general law, is authorized, empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to needs, without discrimination, the appropriations herein made from the General Fund and Transportation Fund to each officer, cabinet, department, board, commission, institution, subdivision, agency or other activity in state government, provided, however, that the power invested shall not permit any reduction of the appropriations of any officer, cabinet, department, board, commission, institution, subdivision, agency or other activity of state government that will actually impair the necessary constitutional functions of such agency or activity, the operations and functions of which are determined to be necessary constitutional functions of state government.

SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

(1) There is hereby created a taxpayer relief fund hereinafter referred to as the "fund" in the state treasury to be administered by the executive department for finance and administration. The source of income for the fund shall consist of state appropriations, gifts, and grants which may be received.

(2) Monies in the fund shall be used to provide relief to taxpayers.

(3) Effective with fiscal year 1978-79, and for all subsequent fiscal years, all monies in the fund as of June 30 of each respective year shall be paid to those persons filing resident, individual income tax returns for the tax year ending the preceding December 31.

(4) The amount to be paid to each person shall be determined by dividing the surplus by the total number of persons referred to in subsection (3) of this section. Those persons filing joint, resident, individual income tax returns shall each be counted as a separate person.

(5) The payments referred to in subsection (3) of this section shall be made no later than August 31 following the close of the prior fiscal year, and shall be issued in accordance with the provisions of KRS 134.580."

The Floor Amendment No. 21 to the Committee Substitute to **HB 19** by Representatives Deskins and J. Allen is as follows:

Amend printed copy of Committee Substitute for **HB 19**, page 85, following line 3

"Section 10. The coal producing counties of Kentucky are hereby declared free states and the state of Kentucky hereby releases all rights to tax the citizens of said counties and said counties hereby have the right to set up and maintain their own government and levy proper taxes so as to provide the basic necessities for its citizens and to build roads and transportation means so that the nation's energy needs can be adequately met."

The Floor Amendment No. 1 to **SB 16** by Representative Fitzgerald is as follows:

Amend printed copy of **SB 16**, page 1, line 17, between the words "county," and "and", insert the following: "the availability of alternative accommodations,"

The Floor Amendment No. 6 to **SB 11** by Representative Burch is as follows:

Amend printed copy of **SB 11**, page 12, line 4, by adding after line 4 the following:

"SECTION 12. A NEW SECTION OF KRS CHAPTER 194 IS CREATED TO READ AS FOLLOWS:

The Department shall develop a written warning explaining the provisions of this Act, one copy of which shall be given to each applicant at the time he applies for assistance, and one copy of which shall be signed by the applicant and retained by the department."

The Floor Amendment No. 7 to **SB 11** by Representatives B. Richardson and Kenton is as follows:

Amend printed copy of Committee Substitute for **SB 11**, page 12, line 5, add the following:

"Section 12. In any prosecution for the violation of any provisions of this Act it shall be a defense if the person relied on the advice of an employee or agent of the department."

Representative Hancock moved that the rules be suspended to act upon a Resolution. Agreed.

Representative Hancock moved the adoption of the following **HR 57**:

HR 57, A RESOLUTION authorizing the Interim Joint Committee on State Government to monitor state employe salary improvement.

WHEREAS, the General Assembly appropriated salary improvement funds for employes of the Commonwealth of Kentucky for the 1978 to 1980 biennium; and

WHEREAS, the General Assembly in the 1979 Extraordinary Session has appropriated additional moneys for state employe salary improvements for the remainder of the 1978 to 1980 biennium; and

WHEREAS, the Department of Finance is authorized to expend state employe salary improvements based on recommendations of the Department of Personnel; and

WHEREAS, the delegation of power to the Department of Finance and Department of Personnel to administer state employe salary improvements is extremely broad;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Interim Joint Committee on State Government be authorized and directed to monitor the use of state moneys appropriated for state employes' salary improvements.

HR 57 was adopted by voice vote.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills and Resolutions: Representative Benson, **HB 5**, **HB 51**, **HB 52**, **HB 54**, **HB 62**, **HB 73**; Representative Yates, **HR 15**; Representative Romines, **HR 41**.

Orders of the Day

HB 19, by way of Committee Substitute as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed by a majority of members elected.

Representative B. Richardson moved that the rules be suspended for the purpose of allowing consideration of Floor Amendments No. 18 and 21 and all Floor Amendments to the Committee Substitute to **HB 19** filed February 6, 1979 but not distributed until February 7, 1979.

On the roll call the vote was yeas 71-J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Guy, Head, Hines, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Turner, Van Horn, Wells, White, Williams, Worthington, Yates. Nays 12-DeFalaise, DeMarcus, Guenthner, Hancock, Holbrook, Holloway, Layman, LeMaster, Overstreet, Patrick, Rattliff, Wilborn.

The motion that the rules be suspended was adopted.

Representative Dawahare moved the adoption of Floor Amendment No. 18 to the Committee Substitute to **HB 19**.

On the roll call the vote was yeas 46-J. Allen, W. Allen, Arnold, Beshear, Blythe, Boswell, Brinkley, Brown, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Fitzgerald, Gay, Guenthner, Guy, Haering, Head, Holbrook, Layman, Little, Marcum, May, McKinney, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Riner, Robinson, R. Smith, Stewart, Stone, Turner, Van Horn, Weinberg, White, Williams, Worthington, Wright. Nays 49-Adams, Bendl, Bennett, Benson, Blandford, Boatwright, Bruce, Burch, Clapp, Clarke, Craddock, Dietz, Donnermeyer, Dunn, Foster, Hancock, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Mann, Maynard, McBee, McNutt, Morris, Nett, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Schmidt, Siemens, F. Smith, Thomas, Tobin, Wells, Wiborn, Yates.

Floor Amendment No. 18 to the Committee Substitute to **HB 19** was rejected.

Representative B. Richardson moved that **HB 19**, by way of Committee Substitute as amended, be passed.

On the roll call the vote was yeas 93-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Carpenter, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-W. Allen, DeFalaise, Gay, Guenthner.

HB 19, by way of Committee Substitute as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 19**, by way of Committee Substitute as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative B. Richardson moved that no further business be conducted on this day other than Announcements, Report of Committees, and Introduction of Bills and Resolutions. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so until 4:00 p.m., February 8, 1979. Agreed.

The Clerk announced a meeting of the Committee on Rules in Room 307 upon recess.

The Clerk announced a meeting of the Committee on Judiciary-Courts in Room 305 upon recess.

The Clerk announced a meeting of the Legislative Research Commission Special Subcommittee on Workmen's Compensation in Room 305 upon adjournment.

Recess

Representative B. Richardson moved that the House recess. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HB 43** with Senate Amendment, **HB 46** with Senate Amendment, and **HR 19**.

Introduction of Bills and Resolutions (Cont.)

HR 58, by Representatives DeFalaise, Schmidt, Isler, Petty, Dietz, Mann, McBee and Donnermeyer: A RESOLUTION to adjourn the House of Representatives in honor of John Murphy.

Report of Committees (Cont.)

The Committee on Rules reported **SB 11** and **HCR 31** have been posted for passage in Orders of the Day, February 8, 1979.

The Committee on State Government reported **SB 36** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 36, AN ACT relating to purchasing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS 45.365 IS REENACTED TO READ AS FOLLOWS:

(1) The executive department for finance and administration shall include in all state agency price contracts for the purchase of materials or supplies a provision that, as approved by the secretary of the executive department for finance and administration, any political subdivision, including cities of all classes, counties, school districts or special districts, may participate in such contracts to the same extent as the Commonwealth. Any political subdivision may purchase materials and supplies pursuant to a contract for such supplies and materials entered into by the executive department for finance and administration for the Commonwealth, including those contracts negotiated by the executive department for finance and administration with vendors who maintain a general service administration price agreement as provided in subsection (2) of KRS 45.360. Where other provisions of the Kentucky Revised Statutes require that political subdivisions of the Commonwealth purchase by competitive bidding, such political subdivisions must comply with the applicable statute before participating in the contract, unless the state contract has been let by competitive bidding, or the contract was negotiated as provided in subsection (2) of KRS 45.360.

(2) The executive department for finance and administration shall inform the appropriate purchasing agent of each political subdivision, interested in participating under this section, of all state agency contracts in effect between the Commonwealth and vendors.

(3) The secretary of the executive department for finance and administration shall promulgate the rules and regulations necessary for the implementation of this section and necessary to provide that the Commonwealth be reimbursed for any additional expenses incurred by the Commonwealth in allowing political subdivisions to participate in contracts with vendors.

(4) The executive department for finance and administration shall comply with all provisions relating to the methods of purchasing in the Kentucky Revised Statutes. This section is not intended to repeal or otherwise affect any provision of the Kentucky Revised Statutes regarding purchasing methods of the executive department for finance and administration.

SECTION 2. Section 1 of this Act is repealed effective January 1, 1980.

SECTION 3. Whereas, by 1978 Acts Chapter 110, KRS 45.365 was repealed effective January 1, 1979 but was not replaced by new cooperative purchasing procedures until January 1, 1980; and whereas the lack of a state and local government cooperative purchasing law will substantially increase the bid advertising expenses and other purchasing costs of local government, an emergency is declared to exist and Section 1 of this Act shall become effective upon its passage and approval by the Governor and shall be retroactive to January 1, 1979.

The Committee on Appropriations and Revenue reported **SB 44** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 44, AN ACT relating to capital construction and equipment financing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) As used in this Act:

(a) "Committee" means the capital construction and equipment purchase oversight committee.

(b) "Capital construction" includes:

(i) The construction, reconstruction and structural maintenance of buildings;

(ii) The installation of utility services, including roads and sewers;

(iii) The acquisition of land for the construction or reconstruction of a building or for the installation of utility services;

(iv) The purchase and installation initially of equipment, facilities and furnishings of a permanent nature for buildings; and

(v) The purchase and installation initially of movable equipment, furnishings and appurtenances necessary to make a building operable.

(c) "Capital construction project" means any capital construction item, or any combination of capital construction items necessary to make a building or utility installation complete, estimated to cost two hundred thousand dollars ($200,000) or more.

(d) "Major item of equipment" means an item of movable equipment, estimated to cost fifty thousand dollars ($50,000) or more, that is not an item of capital construction as defined in paragraph (b) of this subsection.

(e) "Emergency repair, maintenance or replacement project" means the maintenance, repair or reconstruction of a capital construction project or the maintenance, repair or replacement of a major item of equipment that is:

(i) Necessitated by injury or damage resulting from a disaster; or

(ii) Necessary to maintain government operations or to prevent or minimize injury or damage that could reasonably be expected to result from an impending disaster; or

(iii) Necessitated by an unforeseen mechanical breakdown, electrical breakdown, or structural defect that must be corrected to make a facility or item of equipment usable.

(f) "Disaster" means a fire, flood, tornado, other natural disaster, riot, enemy attack, sabotage, explosion, power failure, energy shortage, transportation emergency, or other man caused disaster.

(2) This Act shall apply to capital construction projects and the purchase of major items of equipment for use by the state government or one of its departments or agencies, including institutions of higher education, but excluding capital construction projects or equipment purchases under the jurisdiction of the bureau of highways or the turnpike authority of Kentucky. This Act shall not apply to political subdivisions.

SECTION 2. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

The provisions of any other law notwithstanding:

(1) The governor shall include in the biennial budget report and in the draft appropriation act or acts submitted to each regular session of the general assembly pursuant to KRS 45.030 and 45.040, for the biennium period beginning July 1, 1980 and for each biennium thereafter, a recommended state capital construction program and a recommended program for the purchase of major items of equipment.

(2) The recommended capital construction program shall include:

(a) A complete list and summary description of each specific capital construction project recommended for funding during the biennium; and

(b) For each project:

(i) The agency and purpose for which it will be used;

(ii) The justification for the project;
(iii) Its estimated completion date;
(iv) The total estimated cost of completing the project;
(v) The estimated cost of the project during the biennium;
(vi) The recommended sources of funds for the entire project; and
(vii) The dollar amounts recommended for appropriation and the dollar amounts, listed by source, that are anticipated from every other source of funds for the biennium.

(3) All information required by subsection (2) of this section shall be included in the biennial budget report. The draft appropriation act or acts shall contain only a complete list of the specific capital construction projects recommended for funding during the biennium and, for each project, the information specified in subparagraphs (v), (vi) and (vii) of subsection (2)(b) of this section.

(4) During any biennium beginning July 1, 1980 and during each biennium thereafter, the amount allotted, from all sources, for expenditure on any project in the state capital construction program for that biennium shall not exceed the estimated cost of the project during that biennium, as shown in the biennial budget report and in the appropriation act or acts enacted by the general assembly, except as provided in Sections 3 and 4 of this Act.

(5) The recommended program for the purchase of major items of equipment shall include:

(a) A complete list and summary description of each specific major item of equipment recommended for purchase during the biennium; and

(b) For each major item of equipment:
(i) The agency and purpose for which it will be used;
(ii) The justification for the purchase;
(iii) The estimated cost of the item;
(iv) The recommended sources of funds; and
(v) The dollar amounts recommended for appropriation and anticipated from every other source of funds for the purchase.

(6) All information required by subsection (5) of this section shall be included in the biennial budget report. The draft appropriation act or acts shall contain only a complete list of each specific item of major equipment recommended for purchase during the biennium and, for each item, the information specified in subparagraphs (iii), (iv) and (v) of subsection (5)(b) of this section.

(7) During any biennium beginning July 1, 1980 and during each biennium thereafter, the amount allotted from all sources for expenditure for the purchase of any major item of equipment shall not exceed the estimated cost of the item as shown in the biennial budget report and in the appropriation act or acts enacted by the general assembly and authorizing the purchase, except as provided in subsection (8) of this section and in Sections 3 and 4 of this Act.

(8) A major item of equipment to be used for medical, scientific or research purposes, excluding computer equipment, may be purchased even though it is not specifically listed in the biennial budget report and appropriations act or acts enacted for the current biennium subject to the following conditions and procedures:

(a) Monies specifically appropriated by the general assembly for another purpose shall not be realloted for expenditure on the item;

(b) Funds are available for the purchase and the method of financing the purchase will not require an additional appropriation of state funds to acquire the item; and

(c) The purchasing agency shall, within thirty (30) days after making the purchase, report the purchase to the capital construction and equipment purchase oversight committee. The report shall include a description of the item, the purpose for which it will be used, the necessity for the purchase, and the amount expended for the purchase from each source of funds used.

SECTION 3. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) There is created within the state treasury a capital construction and equipment purchase contingency fund. The fund shall consist of monies appropriated to the fund by the general assembly and income derived from the investment of monies appropriated to the fund. The fund shall also include income derived from the investment of funds appropriated by the general assembly for capital construction projects or the purchase of major items of equipment prior to the time such funds are allotted for expenditure on the project or item.

(2) Money in the capital construction and equipment purchase contingency fund may be transferred to the allotment account of a capital construction project, authorized by the general assembly under Section 2 of this Act, subject to the following conditions and procedures:

(a) Except as provided in paragraph (d) of this subsection, during any biennium, the amount that may be transferred from the capital construction and equipment purchase contingency fund to the allotment account of an authorized project shall not exceed an amount equal to twenty-five percent (25%) of the estimated cost of the project, for that biennium, approved by the general assembly in the manner provided by Section 2 of this Act.

(b) The department of finance may transfer an amount equal to fifteen percent (15%) or less of the estimated cost of an authorized project from the fund to the allotment account of the project provided that the department reports the transfer to the capital construction and equipment purchase oversight committee within thirty (30) days after making the transfer. The report shall include documentation of the amount, necessity and purpose of the transfer, the amount already expended on the project prior to and during the current biennium, and any alterations made or planned in the project since its consideration by the general assembly during the most recent regular session.

(c) The department of finance may transfer, from the fund to the allotment account of an authorized project, an amount equal to more than fifteen percent (15%) but not more than twenty-five percent (25%) of the estimated cost of the project, subject to paragraph (e) of this subsection.

(d) In the event that the cost of an authorized project exceeds, by more than twenty-five percent (25%), its estimated cost, as approved by the general assembly, due to an unforeseen decision by a federal or state court or regulatory agency, monies in excess of twenty-five percent (25%) of the estimated cost of the project may be transferred from the capital construction and equipment purchase contingency fund to the allotment account of the project, subject to paragraph (e) of this subsection.

(e) The department of finance shall, prior to making any transfer under paragraph (c) or (d) of this subsection, present the proposed transfer to the capital construction and equipment purchase oversight committee for review in accordance with Section 6 of this Act. Presentation of a proposed transfer under paragraph (d) of this subsection shall include written certification to the committee from the commissioner of the bureau of facilities management, department of finance, that the transfer is necessitated by cost increases resulting from an unforeseen decision by a federal or state court or regulatory agency.

(3) Money in the capital construction and equipment purchase contingency fund may be transferred to the allotment account of a major item of equipment, authorized by the general assembly under Section 2 of this Act, for expenditure on that item subject to the following conditions and procedures:

(a) Except as provided in paragraph (b) of this subsection, during any biennium, the amount that may be transferred from the capital construction and equipment purchase contingency fund to the allotment account of an authorized major item of equipment shall not exceed an amount equal to ten percent (10%) of the estimated cost of the item, for that biennium, approved by the general assembly in the manner provided by Section 2 of this Act.

(b) In the event that the cost of an authorized major item of equipment exceeds, by more than ten percent (10%), its estimated cost, as approved by the general assembly, due to an unforeseen decision by a federal or state court or regulatory agency, monies in excess of ten percent (10%) of the estimated cost may be transferred from the capital construction and equipment purchase contingency fund to the allotment account of the item.

(c) The department of finance shall, prior to making any transfer under this subsection, present the proposed transfer to the capital construction and equipment purchase oversight committee for review in accordance with Section 6 of this Act. Presentation of a proposed transfer under paragraph (b) of this subsection shall include written certification to the committee from the secretary of the department of finance that the transfer is necessitated by cost increases resulting from an unforeseen decision by a federal or state court or regulatory agency.

SECTION 4. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) There is created within the state treasury an emergency repair, maintenance and replacement fund. The fund shall consist of monies appropriated to the fund by the general assembly and income derived from the investment of monies appropriated to the fund.

(2) The department of finance may transfer money from the emergency repair, maintenance and replacement fund to the allotment account of an emergency repair, replacement or maintenance project, for expenditure thereon, even though the specific project is not included in the biennial budget report and appropriation act or acts enacted for that biennium. The department of finance shall report each such transfer, including the necessity, purpose and amount of the transfer, to the capital construction and equipment purchase oversight committee not later than thirty (30) days after the transfer.

SECTION 5. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) There is created a permanent subcommittee of the legislative research commission to be known as the capital construction and equipment purchase oversight committee. The subcommittee shall be composed of seven (7) members and shall include members of the house of representatives and members of the senate. The subcommittee shall include members of the minority party as nearly proportional to their membership in the general assembly as mathematically possible. The legislative research commission shall appoint, from the membership of the general assembly, the members of the subcommittee for terms of two (2) years. The members so appointed shall elect one (1) of their number to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the legislative research commission at its next regularly scheduled meeting after the vacancy occurs.

(2) The subcommittee shall meet monthly, and may meet more frequently when necessary, at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090(2).

(3) Any professional, clerical or other employes required by the subcommittee shall be provided in accordance with KRS 7.090(4) and (5).

SECTION 6. A NEW SECTION OF KRS CHAPTER 45 IS CREATED TO READ AS FOLLOWS:

(1) Except as otherwise provided in subsection (2)(b) of Section 3 of this Act, prior to transferring funds from the capital construction and equipment purchase contingency fund to the allotment account of a capital construction project or major item of equipment, the department of finance shall present to the capital construction and equipment purchase oversight committee, for its review, specification of the amount of the proposed transfer, documentation of the necessity for the transfer, and, with respect to capital construction projects, documentation of:

(a) The amount already expended on the project prior to and during the current biennium; and

(b) Any alterations made or planned in the project since its consideration by the general assembly during the most recent regular session.

(2) Within thirty (30) days after submission to the committee of a proposed capital construction and equipment purchase contingency fund transfer, the committee shall determine whether the amount of the proposed transfer is reasonable and consistent with Section 3 of this Act, whether the proposed transfer is necessary, and whether any alterations made or planned in a project materially change the project as considered and autho-

rized by the general assembly. The legislative research commission shall promptly transmit the committee's findings and determinations to the department of finance. The department shall promptly and in writing inform the committee of its action on the proposed transfer.

(3) The legislative research commission shall maintain records of the committee's findings and determinations and the department of finance's report of its action on each proposed transfer from the capital construction and equipment purchase contingency fund. If the committee determines that the amount of a proposed transfer is not reasonable or is not consistent with Section 3 of this Act, or that the transfer is not necessary, or if the committee finds that any alteration in a project materially changes the project as considered and approved by the general assembly, the committee's determination and the department's action on the transfer shall be transmitted to the appropriate interim joint committee of the legislative research commission and to the general assembly when next convened.

(4) The legislative research commission shall maintain reports of purchases made under subsection (8) of Section 2 of this Act, reports of transfers made under subsection (2)(b) of Section 3 of this Act, reports of transfers made from the emergency repair, maintenance and replacement fund, and a record of any committee finding or recommendation relating to such purchases and transfers.

Section 7. Sections 1, 2, 3 and 4 of this Act shall become effective on January 1, 1980.

Section 8. Sections 5 and 6 of this Act shall become effective on July 1, 1980.

The Committee on Appropriations and Revenue reported **SB 43** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 43, AN ACT relating to property taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 132.020 is amended to read as follows:

(1) An annual ad valorem tax for state purposes of thirty-one and one-half cents (31-1/2§) upon each one hundred dollars ($100) of value of all real property directed to be assessed for taxation, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of all tobacco directed to be assessed for taxation, and twenty-five cents (25§) upon each one hundred dollars ($100) of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, except as otherwise provided in subsection (2) of this section, and one and one-half cents (1-1/2§) upon each one hundred dollars ($100) of value of unmanufactured agricultural products, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent ($.001) upon each one hundred dollars ($100) of value of all livestock and domestic fowls, fifteen cents (15§) upon machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, fifteen cents (15§) upon commercial radio, television and telephonic equipment directly used or associated with electronic equipment which broadcasts electronic signals to an antenna, fifteen cents (15§) upon property which has been certified as a pollution control facility as defined in KRS 224.850, and forty-five cents (45§) upon each one hundred dollars ($100) of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in subsection (2) of this section and KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents (1 1/2§) upon each one hundred dollars ($100) of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:

(a) Accounts receivable, notes, bonds, credits, nondomestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.

(b) Patents, trademarks, copyrights and licensing or royalty agreements, relating thereto.

(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.

(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205(3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten per cent (10%) of the outstanding voting stock.

(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.

(5) Effective on and after January 1, 1979, unmined coal and any interest therein, in whatever form held, including, but not limited to, leasehold and royalty interests shall be taxed at the rate of one-tenth of one cent ($.001) per one hundred dollars of assessed value.

(6) Thirty cents (30§) of the thirty-one and one-half cents (31 1/2§) state tax rate on real property and thirty cents (30§) of the forty-five cents (45§) state tax on tangible personalty subject to local taxation shall be

considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said districts as replacement for ad valorem taxes lost on property acquired by a governmental agency. Should the equivalency ever be less than thirty cents (30§), as certified by the department of education, the direct payments shall be reduced proportionately.

Adjournment

Representative Donnermeyer moved that the House adjourn until 4:00 p.m., February 8, 1979.

The House adjourned by voice vote.

THURSDAY, FEBRUARY 8, 1979

TWENTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tempore Clapp.

Prayer by Father Carl Schaeffer of the Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives Crupper and P. Richardson.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of February 7, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 59, by Representative Bendl: A RESOLUTION directing the Interim Joint Committee on Judiciary-Statutes to study those crimes commonly known as "white collar crimes" to determine if the punishment in each case is suited to the crime.

Calendar

SB 16, SB 36, SB 44, and **SB 43**, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that they be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions, and Communications

Representative DeFalaise moved to suspend the rules to act on a Resolution. Agreed.

Representative DeFalaise moved the adoption of the following **HR 58**:

HR 58, A RESOLUTION to adjourn the House of Representatives in honor of John Murphy.

WHEREAS, John Murphy is a renowned columnist for the Kentucky Post and his by-line has appeared on perhaps the longest running column in a Kentucky newspaper, "A Stream in the Field," since 1933; and

WHEREAS, John Murphy continued to write "A Stream in the Field" for the Kentucky Post even while employed as the News Director of WCKY Radio in Cincinnati from 1943 until 1957; and

WHEREAS, John Murphy joined the Navy during World War II and was the distinguished recipient of the Bronze Star; and

WHEREAS, John Murphy's column "A Stream in the Field" has won him the notoriety of being a staunch conservationist; and

WHEREAS, John Murphy was named the Kentucky Sportsman of the Year in 1957 by the League of Kentucky Sportsmen, as well as State Conservationist of the Year in 1973; and

WHEREAS, John Murphy's honors include winning the 1st Annual James Henshall Award in 1963 for a series of conservation articles, given by the American Fishing Tackle Manufacturers' Association; and

WHEREAS, John Murphy has been cited for being an outstanding conservationist by the National Wildlife Federation which happens to be the largest conservation group in the United States; and

WHEREAS, although John Murphy is presently enjoying a well deserved retirement, he still continues to write "A Stream in the Field" on a weekly basis;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives adjourns this day, Thursday, February 8, 1979, it does so in honor of John Murphy.

Section 2. That the clerk be directed to transmit a copy of this resolution to John Murphy and his family.

HR 58 was adopted by voice vote.

Representative DeFalaise moved that his remarks in regard to **HR 58** be spread upon the Journal. Agreed.

Mr. Speaker, Ladies and Gentlemen of the House,

I rise to speak in honor of John Murphy. John Murphy is a great newspaperman. More, he is a decent and gentle man.

My fellow representatives and senators from Northern Kentucky know John best as a political reporter for the Kentucky Post. As a political reporter he was known for his integrity. He had many sources, all of whom had absolute confidence in him. He also had outstanding judgment and analytic ability. His predictions and reports were almost invariably correct. He has given up political reporting and we are all poorer for it.

I speak not only for myself but the co-sponsors of this resolution when I say we respect and love John and his lovely wife, Marie.

Mr. Speaker, I move the adoption of the resolution. /s/Rep. Louis DeFalaise.

Report on Enrolled Bills

The Committee on Enrollment reported **HCR 19** has been examined and found correctly enrolled. **HCR 19** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HCR 19 delivered to the Senate, signed by President. Ordered delivered to the Governor.

Motions, Petitions, and Communications (continued)

Representative Adams moved the adoption of the following Legislative Citation No. 49.

THE HOUSE OF REPRESENTATIVES of the Commonwealth of Kentucky hereby congratulates Mr. Phillip Simon, Bowling Green, Kentucky, "The Outstanding Farmer" for 1978, selected by the Bowling Green, Warren County Chamber of Commerce. This prestigious body in this extraordinary session commends you for your contribution to the Agriculture Industry. Your dedication, unrelenting efforts, and humanitarian spirit will help promote and preserve the lives of all Kentuckians. (Sponsored by Representative Adams.)

Agreed.

The Clerk read the following message from Senator Garrett's family.

To the Members of the House of Representatives of the Commonwealth of Kentucky:

We would like to take this opportunity to express to each of you our sincere appreciation for your kindness and the tributes you have paid to our husband and father. Some of Tom's most happy and rewarding times were spent in this capitol building and for you to honor him as you have makes his death somewhat easier. In this period of shock it is comforting to know that this loss will be shared by so many true friends.

/s/Helen Garrett /s/Carol Garrett /s/Tom Garrett

Representative Bendl moved to suspend the rules to act on a Resolution. Agreed.

Representative Bendl moved the adoption of the following **HR 59**:

HR 59, A RESOLUTION directing the Interim Joint Committee on Judiciary-Statutes to study those crimes commonly known as "white collar crimes" to determine if the punishment in each case is suited to the crime.

WHEREAS, in recent years there has been a dramatic increase in the amount of "white collar crime;" and

WHEREAS, included in these crimes are theft, forgery, business and commercial frauds, bribery and corrupt influences and miscellaneous crimes affecting businesses, occupations and professions; and

WHEREAS, thousands of dollars are lost each year due to such crimes; and

WHEREAS, the seriousness of these crimes make a review of the punishments for such crimes mandatory; and

WHEREAS in many cases a stiffer penalty may be justified; and

WHEREAS, the Interim Joint Committee on Judiciary-Statutes has jurisdiction over this area of the law and is, therefore, the proper committee to review such crimes and punishments;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Interim Joint Committee on Judiciary-Statutes is hereby directed to study the "white collar crimes" to determine in each case whether the punishment is suited to the crime.
Section 2. The Interim Joint Committee on Judiciary-Statutes is directed to report its findings and recommendations to the 1980 Regular Session of the General Assembly.
Section 3. Staff services to be utilized in completing this study are estimated to cost $4,000. These staff services shall be provided from the regular commission budget and are subject to the limitations and other research responsibilities of the commission.

HR 59 was adopted by voice vote.

Orders of the Day

HCR 31, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Benson moved that **HCR 31** be passed.

On the roll call the vote was yeas 71-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Craddock, Cyrus, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, List, Little, Mann, May, Maynard, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Petty, Plummer, Richards, B. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Van Horn, Wells, White, Wright, Yates. Nays 7-W. Allen, Layman, Patrick, Pearman, Rattliff, Tobin, Wilborn.

HCR 31 was passed and the title agreed to.

Representative Benson moved that the vote by which **HCR 31** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 11, with Committee Amendment and Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Richards moved the adoption of the Committee Amendment No. 1 to **SB 11**. Agreed.

Representative B. Richardson moved the adoption of Floor Amendment No. 7 to **SB 11**. Agreed.

Representative Overstreet moved the adoption of Floor Amendment No. 2 to **SB 11**.

On the roll call the vote was yeas 15-W. Allen, Bendl, Benson, Clarke, Cyrus, Deskins, Haering, Hines, Kidd, Kleier, McKinney, Morris, Overstreet, Romines, Williams. Nays 73-Adams, J. Allen, Arnold, Bennett, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Guenthner, Guy, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Richards, B. Richardson, Riner, Robinson, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, White, Wilborn, Worthington, Wright, Yates.

Floor Amendment No. 2 to **SB 11** was rejected.

Representative Burch moved the adoption of Floor Amendment No. 6 to **SB 11**.

On the roll call the vote was yeas 23-J. Allen, Benson, Blandford, Bruce, Burch, Clarke, Deskins, Haering, Hancock, Hines, Kidd, Kleier, Lindsay, Maynard, Morris, B. Richardson, Stewart, Thomas, Tobin, Weinberg, Wilborn, Williams, Worthington. Nays 67-Adams, W. Allen, Arnold, Bendl, Bennett, Blythe, Boatwright, Boswell, Brinkley, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Guenthner, Guy, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Layman, LeMaster, List, Little, Mann, Marcum, May, McKinney, McNutt, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Turner, Van Horn, Wells, White, Wright, Yates.

Floor Amendment No. 6 to **SB 11** was rejected.

Representative Isler moved the adoption of Floor Amendment No. 5 to **SB 11**.

On the roll call the vote was yeas 18-Bendl, Benson, Blythe, Clarke, Cyrus, Deskins, Gay, Hines, Isler, Kidd, Kleier, McKinney, Overstreet, Thomas, Turner, Weinberg, Wilborn, Williams. Nays 68-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Burch, Burnette, Carpenter, Clapp, Craddock, Davenport, DeFalaise, DeMarcus, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Johnson, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Schmidt, Siemens, F. Smith, R. Smith, Stewart, Stone, Tobin, Van Horn, Wells, White, Worthington, Wright, Yates.

Floor Amendment No. 5 to **SB 11** was rejected.

Representative Williams moved the adoption of Floor Amendment No. 3 to **SB 11**.

On the roll call the vote was yeas 20-Bendl, Benson, Blythe, Clarke, Cyrus, DeMarcus, Deskins, Hines, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Mann, McKinney, Overstreet, Pearman, Weinberg, Williams. Nays 63-Adams, J. Allen, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burnette, Carpenter, Clapp, Craddock, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Imes, Layman, Lindsay, List, Little, Marcum, May, Maynard, McNutt, Morris, Noe, O'Brien, Patrick, Petty, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Tobin, Van Horn, White, Wilborn, Wright, Yates.

Floor Amendment No. 3 to **SB 11** was rejected.

Representative Williams moved the adoption of Floor Amendment No. 4 to **SB 11**.

On the roll call the vote was yeas 29-J. Allen, Bendl, Benson, Blythe, Brown, Clarke, Cyrus, Deskins, Dunn, Hines, Holloway, Isler, Kenton, Kidd, Kleier, Little, Mann, Marcum, McKinney, Nett, Noe, Overstreet, B. Richardson, Riner, F. Smith, Thomas, Van Horn, Weinberg, Williams. Nays 57-Adams, W. Allen, Arnold, Bennett, Blandford, Boatwright, Boswell, Bruce, Burch, Burnette, Clapp, Craddock, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Foster, Freibert, Gay, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Hurst, Imes, Johnson, Jones, Layman, LeMaster, Lindsay, List, May, Maynard, McNutt, Morris, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, Robinson, Sale, Schmidt, Siemens, R. Smith, Stewart, Tobin, Turner, Wilborn, Wright, Yates.

Floor Amendment No. 4 to **SB 11** was rejected.

Representative B. Richardson moved that **SB 11**, as amended, be passed.

On the roll call the vote was yeas 73-Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Carpenter, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Layman, LeMaster, Lindsay, List, Marcum, May, Maynard, McNutt, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, Stewart, Stone, Thomas, Turner, Van Horn, Wells, White, Worthington, Wright, Yates. Nays 19-Bendl, Benson, Blythe, Brown, Clarke, Deskins, Hines, Johnson, Kenton, Kidd, Mleier, Little, Mann, McKinney, Nett, Overstreet, Weinberg, Wilborn, Williams.

SB 11, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 11**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Announcements

Representative B. Richardson moved that no other business be conducted on this day other than Announcements, Report of Committees and administrative duties. Agreed.

Represenative B. Richardson moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote.

Representative B. Richardson moved that when the House adjourns, it do so until 10:00 a.m., February 9, 1979. Agreed.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes for a meeting of the Committee on Rules. Agreed.

At the appointed hour, the Speaker assumed the Chair and called the House to order.

Report of Committees (continued)

The Committee on Rules reported **SB 16**, **SB 36**, **SB 43**, and **SB 44** have been posted for passage in Orders of the Day, February 9, 1979.

The Committee on Judiciary-Courts reported **SB 39**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 39, AN ACT relating to district court costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 64.340 is amended to read as follows:

An [No] officer shall be entitled to any fee in a proceeding for a misdemeanor *upon conviction of the defendant.* [unless] The fee *shall be* [is] recovered and collected *by the court* from the defendant.[, in which case] The fee allowed and taxed shall be *as provided in KRS 64.090* [the same as for similar services in civil cases].

Section 2. KRS 64.090 is amended to read as follows:

Sheriffs may charge and collect for the following services the following fees:

Executing and returning process	$3.00
Serving an order of court and return	3.00
Summoning each witness	2.00
Summoning an appraiser or reviewer	2.00
Attending a surveyor, when ordered by a court, per deputy or sheriff assigned	20.00
Taking any bond that he is authorized or required to take in any action	5.00

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, six per cent (6%) on the first three hundred dollars ($300) and three per cent (3%) on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings or by the order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness	$3.00
Levying an attachment	5.00

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee	3.00
Summoning a jury in a misdemeanor case, attending the trial, and conducting the defendant to jail to be paid by the party convicted	8.00
Serving process or arresting the party in misdemeanor cases, to be paid by the *defendant, but only if convicted* [plaintiff]	10.00
Serving an order or process of revivor	3.00
Executing a writ of possession against each tenant or defendant	7.00

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses . 8.00

Collecting militia fines and fee-bills, ten per cent (10%), to be deducted out of the fee-bill or fine.

Levying for a fee-bill	3.00
Serving a notice	2.00
Serving summons, warrants or process of arrest in bastardy cases	6.00
Serving each order appointing surveyors of roads, to be paid out of the county levy	5.00
Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant	5.00
Like services in cases of private passways to be paid by the applicant	5.00
Executing each writ of habeas corpus, to be paid by the petitioner	3.00
All services under a writ issued under KRS 381.460 to 381.570	10.00
Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.	

For services in summoning grand and petit jurors and performing his duties under KRS Chapter 29A the sheriff shall be allowed, for each person so summoned, and paid out of the state treasury for constructive service the sum of $1.50 and for personal service the sum of $3.00.

The Committee Amendment to **SB 39** is as follows:

Amend printed copy of **SB 39**, page 1, lines 1 through 9 to delete the same

and on page 1, line 10, to delete "Section 2" and to insert in lieu thereof "Section 1";

and on page 1, line 16, following to word "witness" to add:

"*, to be paid by the defendant, but only if convicted (the sum shall be collected by the court and paid to the sheriff or other officer serving the summons by the circuit clerk)*";

and on page 3, line 1, to delete "*defendant, but only if con-*";

and on page 3, line 2, to delete "*victed*" and the brackets surrounding the word "plaintiff";

and on page 4, below line 11, to add the following:

"Section 2. KRS 64.340, Fee in misdemeanor cases must be collected from defendant, is repealed."

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 1 to **SB 44** by Representative Pearman is as follows:

Amend printed copy of **SB 44**, page 2, by deleting lines 10 through 26;

and on page 3, by deleting lines 1 and 2;

and on page 5, line 5, by deleting "Sections 3 and 4" and inserting in lieu thereof "Section 3";

and on page 6, by deleting lines 10 and 11 and inserting in lieu thereof "in Section 3 of this Act";

and on page 6, by deleting lines 12 through 26;

and on page 7, by deleting lines 1 through 5;

and on page 7, between lines 23 and 24, by inserting the following:

"(a) Money in the capital construction and equipment purchase contingency fund may be transferred to the allotment account of an authorized project for emergency maintenance and additional costs in excess of the estimated cost of the project as approved by the general assembly in the manner provided by Section 2 of this Act."

and on page 7, lines 24 and 25, by changing "(a)" to "(b)" and by deleting "Except as provided in paragraph (d) of this subsection," and by changing "during" to "During";

and on page 8, line 3, by deleting "twenty-five percent (25%)" and inserting in lieu thereof "ten percent (10%)";

and on page 8, by deleting lines 6 through 26;

and on page 9, by deleting lines 1 through 7;

and on page 9, line 9, by deleting "(c) or (d)" and inserting in lieu thereof "(b)";

and on page 9, line 12, by changing "6" to "5";

and on page 9, by deleting lines 13 through 19;

and on page 9, between lines 25 and 26, by inserting the following:

"(a) Money in the capital construction and equipment purchase contingency fund may be transferred to the allotment account of a major item of equipment for emergency maintenance and additional costs in excess of the estimated cost of the item as approved by the general assembly in the manner provided by Section 2 of this Act."

and on page 9, line 26, by changing "(a)" to "(b)" and by deleting "Except as provided in paragraph (b) of this";

and on page 10, line 1, by deleting "subsection," and by changing "during" to "During";

and on page 10, by deleting lines 8 through 15;

and on page 10, line 20, by changing "6" to "5" and by deleting "Presentation of a pro-";

and on page 10, by deleting lines 21 through 26;

on page 11, by deleting lines 1 through 19;

and on page 11, line 20, by changing "SECTION 5" to "SECTION 4";

and on page 12, line 21, by changing "SECTION 6" to "SECTION 5";

and on page 12, lines 23 and 24, by deleting "Except as otherwise provided in subsection (2)(b) of Section 3 of this Act," and by changing "prior" to "Prior";

and on Page 14, by deleting lines 15 through 22;

and on page 14, line 23, by changing "Section 7" to "Section 6" and by changing "3 and 4" to "and 3";

and on page 14, line 25, by changing "Section 8" to "Section 7" and by changing "5 and 6" to "4 and 5".

The Floor Amendment No. 2 to **SB 44** by Representative Hancock is as follows:

Amend printed copy of **SB 44**, page 14, by inserting the following between lines 22 and 23:

"(5) The capital construction and equipment purchase oversight committee shall monitor the costs of state capital construction projects in comparison with the costs of construction for the private sector to determine whether the costs are comparable and, if not comparable, the reasons for any difference. The committee shall consider contractors' charges to the state, land acquisition costs, costs and availability of materials, cost and availability of labor, and laws, regulations and purchasing procedures pertaining to state capital construction projects that are not applicable to construction for the private sector. The committee's findings and recommmendations shall be transmitted to the appropriate interim joint committee of the legislative research commission and to the general assembly when convened."

The Floor Amendment No. 3 to **SB 44** by Representative Mann is as follows:

Amend printed copy of **SB 44**, page 3, line 21, after the word "equipment." by adding the following:

"No capital construction project shall be included in the governor's budget report or in the draft appropriation act or acts except for those for which initial project planning, known as programming, has been completed.";

and on page 10, after line 26, by adding the following:

"(4) Money in the capital construction and equipment purchase contingency fund may be allotted by the department of finance with approval of the capital construction and equipment purchase oversight committee to complete initial planning, or project programming, for capital construction projects."

The Floor Amendment No. 2 to **SB 16** by Representative Fitzgerald is as follows:

Amend printed copy of **SB 16**, page 2, line 4 to add a period "." following the word "prisoners";

and on page 2, lines 5 and 6, to delete the same;

and on page 2, line 7, to delete all of the line except "In se-";

and on page 2, line 12, to delete all of the line past "(3)";

and on page 2, lines 13 through 18, to delete the same;

and on page 2, line 18, to delete "forty-eight (48) hours.";

and on page 2, line 18, to add the following:

"The fiscal court of any county which has caused the closing of a jail pursuant to this section may petition the circuit court for the reopening of the jail and the retransfer of prisoners confined elsewhere due to the closing of the jail. The fiscal court of any county which has caused the closing of a jail pursuant to this section may petition the circuit court to reopen a portion of the jail or to designate another suitable facility, state facilities excluded, as a holding facility wherein prisoners shall not be confined for periods not to exceed seventy-two hours before their transfer to another jail or their release. In counties where the jail has been closed the jailer shall transport all prisoners confined in other facilities as a result of the closing of the jail and to and from court and to the penitentiary or other facilities, as necessary, KRS 441.500 to the contrary notwithstanding. He shall receive five dollars ($5.00) for each prisoner transported and such mileage as is allowed state employes by the Department of Finance. Jailers, or local governments when the jailer does not operate the holdover facility,";

and on page 2, line 19, to delete the word "cells" and to insert in lieu thereof "facility";

and on page 2, line 20, to delete "The Common-";

and on page 2, lines 21 through 24, to delete the same.

Adjournment

Representative B. Richardson moved that the House adjourn until 10:00 a.m., February 9, 1979. Agreed.

FRIDAY, FEBRUARY 9, 1979

TWENTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by the Reverend Dennis W. Jones of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Carpenter and Stewart.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of February 8, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HB 83, by Representative Worthington: AN ACT relating to individual income taxes.

HR 60, by Representatives Guy and Patrick: A RESOLUTION urging the Department of Fish and Wildlife Resources to enforce the state's trapping laws.

HR 61, by Representatives Burnette, Boatwright, Brinkley, Bruce, Clapp, Gay, Head, Johnson, McNutt, Patrick and Wright: A RESOLUTION to adjourn in honor of Kenneth Imes.

HR 62, by Representative P. Richardson: A RESOLUTION urging a study of methods to prevent flooding in Powell and Clark counties.

HR 63, by Representative Holloway: A RESOLUTION relating to occupational safety and health medical consultants.

Calendar

SB 39, taken from the Calendar and ordered read at length for the second time. Representative B. Richardson moved that it be read by title only. Agreed by a majority of members elected. Ordered referred to the Committee on Rules.

Motions, Petitions, and Communications

The Clerk read the following Proclamation:

PROCLAMATION

by the

Governor

of the

COMMONWEALTH OF KENTUCKY

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY AND TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to the power vested in me by Section 80 of the Constitution of Kentucky to convene the General Assembly into Extraordinary Session, I, Julian M. Carroll, Governor of Kentucky, do issue this, my proclamation, convening the General Assembly of Kentucky in Extraordinary Session at the Seat of Government, Frankfort, Kentucky, at 1:00 p.m. (EST), Monday, January 8, 1979, for the sole purpose of considering the following subject:

(1) The enactment of legislation relating to the methods by which utility rates are structured and approved by the Public Service Commission.

(2) The enactment of legislation relating to the utility consumer intervenor within the division of consumer protection in the department of law.

(3) The enactment of legislation amending various sections of Chapter 139 of the Kentucky Revised Statutes for the purpose of removing the sales tax from residential utility bills.

(4) The enactment of legislation amending various sections of the Kentucky Revised Statutes for the purpose of preventing increases in property taxes as a result of increased property assessment.

(5) The enactment of legislation amending various sections of 'Chapter 141 of the Kentucky Revised Statutes for the purpose of increasing the standard deduction on personal income taxes; and for the purpose of making the income tax benefits for persons 65 or older available to persons 62 or older.

(6) The enactment of legislation modifying, amending, or creating various sections of the Kentucky Revised Statutes dealing with:

(a) District Court fines and costs;
(b) Jail reimbursements;
(c) Base court revenue; and
(d) Reimbursement for court space.

(7) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through **HB 229** of that session.

(8) The enactment of legislation relating to welfare fraud.

(9) The appropriation of sufficient funds to the Department of Transportation for the purpose of providing emergency medical transportation across the Ohio River from South Shore, Kentucky.

(10) Legislation relating to crisis assistance and the appropriation of sufficient funds to meet the essential needs of the areas affected by the December floods.

I now reaffirm the consideration of those subjects set out above and add the following subjects to be considered by the General Assembly:

(11) The enactment of legislation authorizing state and local governments to require compliance with federal wage and price guidelines.

(12) The enactment of legislation relating to financial disclosure by public officials and employees.

(13) The enactment of legislation relating to state police officers disabled as a result of and in the course of their employment.

(14) The enactment of legislation relating to the regulation of railroads.

(15) The enactment of legislation establishing a Kentucky Horse Park Board.

(16) The enactment of legislation to establish a program to aid small coal mines in complying with federal strip mine regulations.

(17) The enactment of legislation relating to mobile homes and recreational vehicles.

(18) The enactment of legislation relating to office space for court related officials.

(19) The enactment of legislation relating to advertising for bids by public agencies.

(20) The enactment of legislation relating to information obtained by newsmen in the course of their employment.

(21) The enactment of legislation authorizing state chartered banks to charge the same rate of interest on loans of less than $15,000 as federally chartered banks can charge.

(22) The enactment of legislation relating to the expenditure of state funds for the construction of capital projects and purchase of equipment.

(23) The enactment of legislation amending KRS 68.240 to change the date by which the county judge executive must submit his proposed budget to the county budget commission.

(24) The enactment of legislation amending KRS 67.083 to authorize county governments to carry out all governmental functions necessary for the preservation of historic structures.

(25) The enactment of legislation authorizing county governments to approve or reject zoning amendments by resolution.

(26) The enactment of legislation amending KRS 132.020 for the purpose of specifying that a portion of the state tax rate shall be considered as local school district tax levies for purposes of computing any direct payments of state or federal funds to said district.

(27) The enactment of legislation pertaining to cooperative purchasing between state and local governments.

(28) The enactment of legislation authorizing local governments to insure themselves, their employees and officials against liability.

(29) The enactment of legislation establishing criminal penalties for violations of various sections of KRS Chapter 341, pertaining to the unemployment insurance.

I now reaffirm the consideration of those subjects set out above and add the following subject to be considered by the General Assembly:

(30) The enactment of legislation making revisions to any previous appropriations made by the 1978 General Assembly through House Bill 603 of that session.

DONE AT THE CAPITOL, in the City
of Frankfort, this the 9th Day
of February in the year of Our
Lord One Thousand Nine Hundred
and Seventy-nine and in the year
of the Commonwealth the One
Hundred Eighty-seventh.

s/JULIAN M. CARROLL
GOVERNOR

ATTEST:

s/DREXELL R. DAVIS
SECRETARY OF STATE

Representative Gray moved that the rules be suspended for the purpose of recording votes. Agreed.

Representative Gray moved that he be recorded as voting "yea" on **HB 19**, **HCR 31**, and **SB 11**.

Representative B. Richardson moved to suspend the rules to act on a Resolution. Agreed.

Representative B. Richardson moved the adoption of the following **HR 62**:

HR 62, A RESOLUTION urging a study of methods to prevent flooding in Powell and Clark counties.

WHEREAS, flood control is needed along the Red River in Powell County to furnish flood protection to the cities of Clay City and Stanton and to the prime agricultural land along the river; and

WHEREAS, due to present land uses and projected land use trends in the Red River watershed, flooding will be more frequent than the present 15-year cycle due to more timber being cut, more land being put into row crop production, more roads being paved, more houses and other buildings being built, and more surface mines being started;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives urges the U.S. Army Corps of Engineers to study methods and alternatives to prevent further costly floods, in terms of life, property and financial returns, of the Red River in Powell County and the Kentucky River in Clark County and their tributaries.

Section 2. That a copy of this resolution be forwarded to the U.S. Army Corps of Engineers in Washington, D.C.

HR 62 was adopted by voice vote.

Representative Guy moved to suspend the rules to act on a Resolution. Agreed.

Representative Guy moved the adoption of the following **HR 60**:

HR 60, A RESOLUTION urging the Department of Fish and Wildlife Resources to enforce the state's trapping laws.

WHEREAS, coon hounds, rabbit dogs, bird dogs and other domestic animals are sometimes caught in traps set for wild, furbearing animals; and

WHEREAS, illegal trap lines are occasionally not checked every twenty-four hours and animals caught in them are left to suffer; and

WHEREAS, illegal traps are seldom tagged; and

WHEREAS, some furbearing animals are left in traps long enough to reduce the commercial value of the pelt; and

WHEREAS, some animals are becoming extinct;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Department of Fish and Wildlife Resources is urged to strictly enforce the trapping laws of the Commonwealth.

HR 60 was adopted by voice vote.

Representative Fitzgerald moved that **SB 16** be recommitted to the Committee on Counties and Special Districts. Agreed.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors and Joint Sponsors. Agreed.

Representative Boswell moved that all properly filed co-sponsor and Joint Sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors or Joint Sponsors of Bills and Resolutions:

Representative List, **HR 31**.

Representative F. Smith moved the adoption of the following Legislative Citations:

Legislative Citation No. 50:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes with great pride the excellent services of the Shepherdsville Lions Club. The fine leadership, many past and present achievements have made the community a better place in which to live. The citizens have been the beneficiaries of a great service investment. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 51:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes with great pride the excellent services of the Mt. Washington Lions Club. The fine leadership, many past and present achievements have made the community a better place in which to live. The citizens have been the beneficiaries of a great service investment. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 52:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes with great pride the excellent services of the Zonetone Lions Club. The fine leadership, many past and present achievements have made the community a better place in which to live. The citizens have been the beneficiaries of a great service investment. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 53:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes with great pride the excellent services of the Zonetone Optimist Club. The fine leadership, many past and present achievements have made the community a better place in which to live. The citizens have been the beneficiaries of a great service investment. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 54:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Nichols Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Nichols Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 55:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Mt. Washington Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Mt. Washington Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 56:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Lebanon Junction Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Lebanon Junction Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 57:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Taylorsville Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Taylorsville Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 58:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Mt. Eden Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Mt. Eden Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 59:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Zonetone Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Zonetone Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 60:

The House of Representatives of the Commonwealth of Kentucky hereby congratulates the Shepherdsville Fire Department for its outstanding volunteer services given for the protection and safety of its citizens. In the midst of great perils, they have made the supreme sacrifice of life for others. Long hours and tireless efforts have been invested. This body applauds the members of the Shepherdsville Fire Department for their unselfish and sacrificial services. (Sponsored by Representative F. Smith)

Legislative Citation No. 64:

The House of Representatives of the Commonwealth of Kentucky hereby recognizes the American Red Cross, Bullitt County Chapter, for outstanding performance during the recent flood. The dedicated, unlimited hours of service rendered by the untiring efforts of this group will be long remembered in this community. The comfort and encouragement given to the many people affected by this flood will be a lasting symbol of our Christian heritage. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 61:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Shepherdsville Jaycees for outstanding service to the community. We recognize with great pride the fine leadership of these dedicated young men; their efforts have inspired many past and present achievements and have made the community a better place in which to live. The citizens have been beneficiaries of many hours of untiring volunteer qualified service. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 62:

The House of Representatives of the Commonwealth of Kentucky hereby commends the Mt. Washington Jaycees for outstanding service to the community. We recognize with great pride the fine leadership of these dedicated young men; their efforts have inspired many past and present achievements and have made the community a better place in which to live. The citizens have been beneficiaries of many hours of untiring volunteer qualified service. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Legislative Citation No. 63:

The House of Representatives of the Commonwealth of Kentucky hereby commends the North Bullitt Jaycees for outstanding service to the community. We recognize with great pride the fine leadership of these dedicated young men; their efforts have inspired many past and present achievements and have made the community a better place in which to live. The citizens have been beneficiaries of many hours of untiring volunteer qualified service. This prestigious body commends the members for their dedication and devotion and extends best wishes for continued success. (Sponsored by Representative F. Smith)

Agreed.

Representative Holloway moved to suspend the rules to act on a Resolution. Agreed.

Representative Holloway moved the adoption of the following **HR 63**:

HR 63, A RESOLUTION relating to occupational safety and health medical consultants.

WHEREAS, the Department of Personnel is charged by law with implementing Kentucky's Merit System; and

WHEREAS, the 1978 General Assembly amended KRS 18.140 to exempt from the Merit System all classes of physicians employed as such; and

WHEREAS, the position of Occupational Safety and Health Medical Consultant was established as a class apart from that of physician; and

WHEREAS, medical consultants do not treat or diagnose but, rather, are hired to provide expert medical knowledge and thereby need not be exempt from the Merit System;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives believes the position of Occupational Safety and Health Medical Consultant should not be exempted from the Merit System under KRS 18.140 and urges the Commissioner of Personnel and the State Personnel Board to reconsider their action in this regard.

Section 2. That a copy of this resolution be forwarded to the Commissioner of Personnel and the State Personnel Board.

HR 63 was adopted by voice vote.

Representative Kleier moved to suspend the rules to act on a Resolution. Agreed.

Representative Kleier moved the adoption of the following **HR 56**:

HR 56, A RESOLUTION commending the House Appropriations and Revenue Committee.

WHEREAS, the limited nature of the special session has imposed a disproportionate workload on the House Appropriations and Revenue Committee and its staff; and

WHEREAS, the Appropriations and Revenue Committee has worked diligently during this session and in past sessions to fulfill its responsibilities to the rest of the General Assembly and the public; and

WHEREAS, such dedication enhances the image of the entire legislative branch and shows the General Assembly can act intelligently, responsibly, and independently; and

WHEREAS, members of the Appropriations and Revenue Committee will surely bear the brunt of public reaction to this special session, thereby making them appropriate candidates to receive combat pay;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby publicly commend the members of the Appropriations and Revenue Committee and their staff for their diligent effort during this special session.

HR 56 was adopted by voice vote.

The Clerk announced a meeting of the Committee on Appropriations and Revenue in Room 307 at 11:15 upon recess.

Recess

Representative B. Richardson moved that the House recess until 12:00 noon. Agreed.

At the appointed hour, the Speaker Pro Tempore resumed the Chair and called the House to order.

Senate Message

The following message was received from the Senate in regard to **SB 5**: The Senate has refused to concur in the House Amendment to SB 5 and is respectfully returning same to this Honorable Body for the amendment to be redrawn.

The following message was received from the Senate in regard to **SB 9**: The Senate has refused to concur in the House Amendment to SB 9 and is respectfully returning same to this Honorable Body with the request that it recede from the amendment.

Recess

Representative B. Richardson moved that the House recess until 1:30 p.m.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Motions, Petitions and Communications (Cont.)

Representative Brinkley moved to suspend the rules to act on a Resolution. Agreed.

Representative Brinkley moved the adoption of the following **HR 61**:

HR 61, A RESOLUTION to adjourn in honor of Kenneth Imes.

WHEREAS, Kenneth Imes, "the Gentleman from Murray, " has served in the House of Representatives since 1972; and

WHEREAS, he has announced he won't be returning to this honorable body when his current term expires; and

WHEREAS, Kenneth Imes has served the people of the fifth legislative district and the state at large with honor and distinction; and

WHEREAS, Kenneth Imes has proven himself to be a dedicated, hard working, and conscientious chairman of the House State Government Committee; and

WHEREAS, it has been an honor and a privilege for us, his colleagues, to serve with him in this House of Representatives;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That when the House of Representatives does adjourn this day it does so in honor of Kenneth Imes.

Section 2. That a copy of this resolution be presented by the Clerk to "the Gentleman from Murray."

On the roll call the vote was yeas 88-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Isler, Johnson, Kenton, Kidd, Kleier, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 1-B. Richardson.

HR 61 was adopted.

The Clerk announced the filing of the following Floor Amendments to Bills and Resolutions:

The Floor Amendment No. 1 to **SB 36** by Representative McNutt is as follows:

Amend printed copy of **SB 36**, page 2, by deleting lines 24 and 25, and on line 26 by changing "SECTION 3" to "SECTION 2";

and on page 3, lines 2 and 3, by deleting "until January 1, 1980".

The Floor Amendment No. 2 to **SB 5** by Representative Fitzgerald is as follows:

Amend printed copy of House Committee Substitute for **SB 5**, on page 2, following line 21, by adding the following:

"Section 2. Because the Attorney General has previously ruled that the Commonwealth is liable for the keeping and dieting of prisoners and funds are presently available, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor."

Orders of the Day

SB 43, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morris moved that **SB 43** be passed.

On the roll call the vote was yeas 95-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 43 was passed and the title agreed to.

Representative Morris moved that the vote by which **SB 43** was passed be reconsidered and said motion be postponed indefinitely. Agreed.

SB 44, with Floor Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative B. Richardson moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Clarke moved that **SB 44** be passed.

Representative Pearman moved the adoption of Floor Amendment No. 1 to **SB 44**.

On the roll call the vote was yeas 48-W. Allen, Arnold, Bendl, Blandford, Blythe, Boswell, Burch, Burnette, Cyrus, Davenport, Dawahare, Fitzgerald, Freibert, Gay, Gray, Guenthner, Haering, Head, Holbrook, Holloway, Hurst, Johnson, Kleier, Layman, Mann, Marcum, Maynard, McBee, Nett, Noe, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Riner, Siemens, F. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Williams, Wright, Yates. Nays 42-Adams, J. Allen, Bennett, Benson, Beshear, Boatwright, Brinkley, Bruce, Clapp, Clarke, Craddock, Crupper, DeFalaise, Deskins, Donnermeyer, Dunn, Foster, Guy, Hancock, Imes, Isler, Jones, Kenton, LeMaster, Lindsay, List, Little, May, McNutt, Morris, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Sale, Schmidt, R. Smith, Wells, White, Wilborn, Worthington.

Floor Amendment No. 1 to **SB 44** was adopted.

Representative Hancock moved the adoption of Floor Amendment No. 2 to **SB 44**.

On the roll call the vote was yeas 86-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Weinberg, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 8-Beshear, Bruce, Clapp, Clarke, Fitzgerald, Imes, Kenton, Van Horn.

Floor Amendment No. 2 to **SB 44** was adopted.

On the roll call the vote was yeas 97-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 44, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 44**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 46, with Senate Amendments attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment No. 1 to **HB 46**:

Amend printed copy of **HB 46** on page 1, line 4, by deleting "fifteen (15)" and inserting in lieu thereof "sixteen (16)";

and on page 1, line 8, by deleting "Thirteen (13)" and inserting in lieu thereof "Fourteen (14)";

and on page 1, line 11, by deleting "five (5)" and inserting in lieu thereof "six (6)";

and on page 1, after line 20 by adding "(vi) Kentucky Horse Council";

and on page 2, line 6, by deleting "Four (4)" and inserting in lieu thereof "Five (5)";

and on page 2, lines 18 and 19, by deleting "eight (8)" and inserting in lieu thereof "nine (9)";

and on page 4, line 18, by deleting "or contract with";

and on page 9, after line 13, by adding the following: "SECTION 9. THIS ACT SHALL BECOME EFFECTIVE JULY 1, 1979."

Agreed.

Representative B. Richardson moved that the House concur in the following Senate Amendment No. 3 to **HB 46**:

Amend printed copy of **HB 46** on page 1, line 9, delete "eight (8)" and insert in lieu thereof "seven (7)";

and on page 1, line 11, delete "five (5)" and insert in lieu thereof "six (6)";

and on page 1, line 20, by inserting following line 20 the following: "(vi) Appaloosa Horse Clubs of Kentucky";

and on page 2, line 10, delete "eight (8)" and insert in lieu thereof "seven (7)";

and on page 2, line 12, delete the word "equal", and insert after the word "representation" the following: "as nearly equal as possible".

Agreed.

Representative B. Richardson moved that **HB 46**, as amended, be passed.

On the roll call the vote was yeas 64-Adams, J. Allen, Arnold, Bendl, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Dawahare, DeFalaise, Dietz, Donnermeyer, Dunn, Foster, Freibert, Guenthner, Guy, Head, Holloway, Hurst, Imes, Isler, Jones, Kenton, LeMaster, List, Little, Mann, May, McBee, McKinney, McNutt, Morris, Noe, O'Brien, Overstreet, Pearman, Petty, Priddy, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, F. Smith, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Williams, Yates. Nays 21-W. Allen, Bennett, Burnette, Cyrus, Davenport, DeMarcus, Deskins, Fitzgerald, Gay, Gray, Haering, Hancock, Holbrook, Layman, Lindsay, Marcum, Patrick, Rattliff, Tobin, Wilborn, Wright.

HB 46, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 46**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 43, with Senator Amendments attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Clarke moved that the House concur in the following Senate Amendment No. 1 to **HB 43**:

Amend printed copy of **HB 43** on page 4, lines 10 through 12 by deleting lines 10 through 12 and substituting in lieu there the following:

"*(9) Any rate increase for school taxes and any other charges or surcharges added to the total amount of a residential telephone bill.*"

Agreed.

Representative Clarke moved that the House concur in the following Senate Amendment No. 3 to **HB 43**:

Amend printed copy of **HB 43** on page 3, lines 19 thru 20, to delete the word "legitimately" in lines 19 and 20 and the word "incidental" in line 20.

On the roll call the vote was yeas 65-Adams, J. Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guenthner, Guy, Haering, Head, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Little, Marcum, McBee, McNutt, Morris, O'Brien, Petty, Rattliff, Richards, B. Richardson, Riner, Romines, Sale, F. Smith, R. Smith, Stone, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 17-W. Allen, Bendl, Brown, DeFalaise, Deskins, Hancock, Holbrook, Layman, List, Mann, Noe, Overstreet, Patrick, Pearman, Schmidt, Thomas, Tobin.

The motion that the House concur in the Senate Amendment No. 3 to **HB 43** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 5 to **HB 43**:

Amend printed copy of **HB 43** on page 3, line 26, by deleting the words "*regardless of classification*" and inserting in lieu thereof the words: "*other than residential classification*"

Agreed.

Representative B. Richardson moved that **HB 43**, as amended, be passed.

On the roll call the vote was yeas 91-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 6-Clarke, Hancock, Kleier, Mann, Schmidt, Williams.

HB 43, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 43**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the rules be suspended for the purpose of making a motion. Agreed.

Representative B. Richardson moved that the vote by which **SB 5** was passed be reconsidered. Agreed.

Representative B. Richardson moved that the time requirement in regard to Floor Amendment No. 2 to **SB 5** (filed today) be waived. Agreed.

Representative B. Richardson moved the adoption of Floor Amendment No. 2 to **SB 5**. Agreed.

Representative B. Richardson moved that **SB 5**, as amended, be passed.

On the roll call the vote was yeas 89-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gay, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, List, Little, Mann, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Turner, Van Horn, Weinberg, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 0.

SB 5, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 5**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Imes moved that the House recede from its Amendment to **SB 9**.

On the roll call the vote was yeas 23-J. Allen, Boswell, Brinkley, Bruce, Clapp, Craddock, Cyrus, Deskins, Dunn, Fitzgerald, Foster, Gray, Holbrook, Holloway, Imes, Kidd, LeMaster, May, Noe, B. Richardson, Sale, White, Wright. Nays 63-Adams, W. Allen, Arnold, Bennett, Beshear, Blandford, Blythe, Burch, Clarke, Crupper, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Freibert, Guy, Haering, Hancock, Head, Hines, Hurst, Isler, Johnson, Jones, Kenton, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McNutt, Morris, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, P. Richardson, Riner, Robinson, Romines, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Weinberg, Wilborn, Williams, Worthington, Yates.

The motion that the House recede from its Amendment to **SB 9** was rejected.

Senate Message

Announcing passage of **HB 44** with Amendments.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 43** and **SB 11** had been examined and found correctly enrolled. **SB 43** and **SB 11** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative Nett moved that the rules be suspended to reconsider the vote by which the motion that the vote by which **SB 44** was passed be reconsidered and said motion be postponed indefinitely was adopted. Agreed.

On the roll call the vote was yeas 61-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, DeFalaise, Deskins, Dietz, Dunn, Fitzgerald, Foster, Freibert, Guy, Haering, Hines, Holloway, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, List, Little, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 13-W. Allen, Burnette, Cyrus, Guenthner, Holbrook, Layman, McBee, Pearman, Rattliff, Riner, Thomas, Tobin, Van Horn.

The motion to reconsider the vote by which the motion that the vote by which **SB 44** was passed be reconsidered and said motion be postponed indefinitely was adopted.

SB 44, as amended, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage.

Representative Nett moved that the vote on Floor Amendment No. 1 to SB 44 be reconsidered.

On the roll call the vote was yeas 58-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Haering, Hancock, Hines, Holloway, Imes, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Mann, May, Maynard, McNutt, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 26-W. Allen, Blandford, Brinkley, Burnette, Davenport, DeFalaise, DeMarcus, Freibert, Head, Holbrook, Johnson, Layman, List, Marcum, McBee, Morris, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, R. Smith, Thomas, Tobin, Van Horn.

The motion that the vote on Floor Amendment No. 1 to **SB 44** be reconsidered was adopted.

Representative Mann moved the adoption of Floor Amendment No. 3 to **SB 44**. Rejected by voice vote.

Representative Pearman moved the adoption of Floor Amendment No. 1 to **SB 44**.

On the roll call the vote was yeas 29-W. Allen, Blandford, Boswell, Brinkley, Burnette, Davenport, Dawahare, DeMarcus, Freibert, Gray, Haering, Head, Holbrook, Johnson, Layman, List, Marcum, McBee, Morris, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, R. Smith, Thomas, Tobin, Van Horn. Nays 54-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guy, Hines, Holloway, Isler, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, Little, Mann, May, Maynard, McNutt, Nett, Noe, O'Brien, Petty, Priddy, Richards, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, Wilborn, Williams, Worthington, Wright, Yates.

Floor Amendment No. 1 to **SB 44** was rejected.

Representative B. Richardson moved that **SB 44**, as amended, be placed upon its passage.

On the roll call the vote was yeas 86-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, Wilborn, Williams, Worthington, Wright, Yates. Nays 4-W. Allen, Burnette, Pearman, Tobin.

SB 44, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **SB 44**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 44, with Senate Amendments attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 1 to **HB 44**:

Amend printed copy of **HB 44** on page 39, line 2, after (2) insert (a);

and on line 4 delete "district board of education";

and on line 16 insert the following:

"(b) In the event an election is necessary for a school district under the provisions of subsection (1) of this section, the district board of education shall cause to be submitted to the voters of the district in a called common school election not less than 20 days nor more than 30 days from the date the signatures on the petition are validated by the county clerk, the question as to whether such property tax rate shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect."

On the roll call the vote was yeas 89-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Williams, Worthington, Wright. Nays 1-Imes.

The motion that the House refuse to concur in Senate Amendment No. 1 to **HB 44** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 2 to **HB 44**:

Amend printed copy of **HB 44** on page 22, line 16, before the word "*voted*" by inserting the word "*maximum*";

and on line 17, before the word "*voted*" by adding the word "*maximum*";

and on line 18, by deleting the word "*was*" and by deleting the brackets around the words "could have been".

On the roll call the vote was yeas 76-Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, Little, Mann, Marcum, May, Maynard, McBee, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Wells, White, Wilborn, Williams, Worthington, Wright, Yates. Nays 9-Burnette, DeFalaise, Freibert, List, McKinney, Pearman, Riner, Romines, Van Horn.

The motion that the House concur in Senate Amendment No. 2 to **HB 44** was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 3 to **HB 44**:

Amend printed copy of **HB 44** on page 3, line 7, after the word "*corporation*" insert "*or any other taxing jurisdiction*"

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Dunn, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Wells, White, Williams, Worthington, Wright, Yates. Nays 5-DeFalaise, Layman, Marcum, Van Horn, Wilborn.

The motion that the House refuse to concur in Senate Amendment No. 3 to **HB 44** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 4 to **HB 44**:

Amend printed copy of **HB 44** on page 3, line 19, following the word "property" by adding to following: "*provided, that when such property is reclassified from farm to subdivision by the property valuation administrator, the value of such property as a farm shall be a deletion from that category*"

On the roll call the vote was yeas 84-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Williams, Wright, Yates. Nays 5-Burnette, Deskins, Fitzgerald, LeMaster, Pearman.

The motion that the House concur in Senate Amendment No. 4 to **HB 44** was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 5 to **HB 44**:

Amend printed copy of **HB 44** on page 2, line 9 by deleting the word "*and*";

line 10, by deleting the words "*personal property*";

line 12, by deleting the word "*real*" and inserting in its place "*all*";

page 16, line 1, by deleting the word "*real*" and inserting in its place "*all*";

line 4, by deleting the word "*real*" and inserting in its place "*all*";

line 13, by deleting the word "*real*" and inserting in its place "*all*";

line 17, by deleting the word "*real*" and inserting in its place "*all*";

line 23, by deleting the word "*real*" and inserting in its place "*all*";

line 26, by deleting the word "*real*" and inserting in its place "*all*";

page 19, line 23, by deleting the word "*real*" and inserting in its place "*all*";

line 26, by deleting the word "*real*" and inserting in its place "*all*";

page 20, line 8, by deleting the word "*real*" and inserting in its place "*all*";

line 12, by deleting the word "*real*" and inserting in its place "*all*";

line 18, by deleting the word "*real*" and inserting in its place "*all*";

line 21, by deleting the word "*real*" and inserting in its place "*all*";

page 23, line 22, by deleting the word "*real*" and inserting in its place "*all*";

line 25, by deleting the word "*real*" and inserting in its place "*all*";

page 28, line 26, by deleting the word "*real*" and inserting in its place "*all*";

page 29, line 3, by deleting the word "*real*" and inserting in its place "*all*";

line 13, by deleting the word "*real*" and inserting in its place "*all*";

line 16, by deleting the word "*real*" and inserting in its place "*all*";

line 22, by deleting the word "*real*" and inserting in its place "*all*";

line 25, by deleting the word "*real*" and inserting in its place "*all*";

page 31, line 17, by deleting the word "*real*" and inserting in its place "*all*";

line 20, by deleting the word "*real*" and inserting in its place "*all*";

page 35, line 23, by deleting the word "*real*" and inserting in its place "*all*";

line 26, by deleting the word "*real*" and inserting in its place "*all*";

page 36, line 9, by deleting the word "*real*" and inserting in its place "*all*";

line 12, by deleting the word "*real*" and inserting in its place "*all*";

line 18, by deleting the word "*real*" and inserting in its place "*all*";

line 22, by deleting the word "*real*" and inserting in its place "*all*";

page 38, line 18, by deleting the word "*real*" and inserting in its place "*all*";

line 22, by deleting the word "*real*" and inserting in its place "*all*";

On the roll call the vote was yeas 81-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Van Horn, Wells, White, Williams, Worthington, Wright, Yates. Nays 7-Craddock, Jones, Noe, F. Smith, Thomas, Tobin, Wilborn.

The motion that the House refuse to concur in Senate Amendment No. 5 to **HB 44** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 6 to **HB 44**:

Amend printed copy of **HB 44** on page 15, by deleting lines 24 through 26 in their entirety and inserting in lieu thereof the following:

"*(4) (a) That portion of a tax rate levied by an action of a tax district, other than the state, counties, school districts, cities and urban-county governments which will*";

and on page 19, lines 21 and 22, by deleting lines 21 and 22 in their entirety and inserting in lieu thereof the following:

"*(4) (a) That portion of a tax rate levied by an action of a city or urban-county government which will produce revenue from*";

and on page 28, lines 22 through 25, by deleting lines 22 through 25 in their entirety and inserting in lieu thereof the following:

"*(11) (a) That portion of a general tax rate, a voted general tax rate, or a voted building tax rate, except as provided in KRS 157.565, levied by an action of a district board of education which will produce, respectively, revenue from*";

and on page 35, lines 22 and 23, by deleting lines 22 and 23 in their entirety and inserting in lieu thereof the following:

"*(6) (a) That portion of a tax rate levied by an action of a county fiscal court which will produce revenue from real property,*";

and on page 37, lines 3 through 6, by deleting lines 3 through 6 in their entirety and inserting in lieu thereof the following:

"(1) (a) That portion of a tax rate levied by an ordinance, order, resolution, or motion of a county fiscal court, district board of education or legislative body of a city, urban-county government or other taxing district subject to".

On the roll call the vote was yeas 78-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, Dietz, Donnermeyer, Dunn, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Wright, Yates. Nays 7-DeFalaise, DeMarcus, Deskins, Fitzgerald, McKinney, Overstreet, Worthington.

The motion that the House concur in Senate Amendment No. 6 to **HB 44** was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 15 to **HB 44**:

Amend printed copy of **HB 44** on page 30, line 10, after the word "*rate*" by adding: "*, excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,*";

and on page 30, line 24, after the word "*rate*" by adding: "*, excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 to 107.360, following a favorable vote upon such tax by the voters of any such county,*"

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 2-Deskins, Overstreet.

The motion that the House refuse to concur in Senate Amendment No. 15 to **HB 44** was adopted.

Senate Message

Announcing passage of **HB 40** with Amendment, **HB 49** with Amendment, and **HB 51** with Committee Substitute and Amendment.

Recess

Representative B. Richardson moved that the House recess for fifteen minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Orders of the Day (Cont.)

HB 40, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Guy moved that the House concur in the following Senate Amendment No. 1 to **HB 40**:

Amend printed copy of **HB 40** on page 1, line 11, following Section 1 insert:

"Section 2. Whereas, state chartered banks, trust companies and combined banks and trust companies are, under present economic conditions, at a competitive disadvantage with national banking associations, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor."

On the roll call the vote was yeas 63-Adams, W. Allen, Arnold, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guy, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Petty, Plummer, Richards, B. Richardson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Wells, White, Wilborn, Williams, Worthington. Nays 17-Bendl, Bennett, Benson, Burch, Dunn, Freibert, Haering, Hancock, Maynard, Overstreet, Priddy, Rattliff, Riner, Robinson, Van Horn, Wright, Yates.

The motion that the House concur in the Senate Amendment No. 1 to **HB 40** was adopted.

Representative B. Richardson moved that **HB 40**, as amended, be passed.

On the roll call the vote was yeas 64-Adams, W. Allen, Arnold, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guenthner, Guy, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Petty, Plummer, Richards, B. Richardson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Wells, White, Wilborn, Worthington. Nays 16-Bennett, Benson, Burch, Dunn, Freibert, Haering, Hancock, Little, Maynard, Overstreet, Priddy, Riner, Robinson, Van Horn, Wright, Yates.

HB 40, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 40**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 49, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment No. 1 to **HB 49**:

Amend printed copy of **HB 49** on page 1, line 7, to delete the word "*trial*" and to insert in lieu thereof "*court appearance*"

and on page 1, between lines 11 and 12, to add the following: "*The provisions of this subsection shall not apply to any parking citation issued for violation of the ordinances of any city, county, or urban county government.*"

On the roll call the vote was yeas 36-Arnold, Boswell, Clapp, Clarke, Craddock, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Hancock, Hines, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kleier, LeMaster, Lindsay, McNutt, Nett, Petty, B. Richardson, P. Richardson, Romines, Sale, Siemens, Thomas, Wells, Wilborn, Williams, Yates. Nays 51-Adams, J. Allen, W. Allen, Bendl, Bennett, Benson, Blandford, Blythe, Brinkley, Brown, Bruce, Burnette, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Freibert, Gray, Guy, Haering, Hurst, Kenton, Kidd, Layman, Little, Mann, Marcum, May, McBee, McKinney, Morris, Noe, O'Brien, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Richards, Riner, Robinson, F. Smith, R. Smith, Stone, Tobin, Van Horn, White, Worthington, Wright.

The motion that the House concur in Senate Amendment No. 1 to **HB 49** was rejected.

HB 51, with Senate Committee Substitute and Senate Amendment No. 1 attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Committee Substitute and Senate Amendment No. 1 thereto to **HB 51**:

The Senate Committee Substitute to **HB 51** is as follows:

Senate Committee Substitute for **HB 51**, AN ACT relating to fines, court, and related costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 24A.175 is amended to read as follows:
(1) Court costs for a criminal case in the district court shall be*:*
(a) For an offense for which prepayment is permitted under KRS 189.394, 431.451, or 431.452 and for which prepayment has been made prior to trial as required by law $15.00
(b) For an offense for which prepayment is not permitted or has not been made 20.00
[twenty dollars ($20).]
(2) Additional costs shall be assessed in district court criminal matters as follows:
(a) Preparing an attestation $ .50
(b) Preparing a certification 1.00
(c) Preparing a copy of a document (per page) .25
(3) Taxation of costs against a defendant, upon conviction, shall be mandatory and shall not be prorated or suspended.

Section 2. KRS 186.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020, 186.030, 186.040, 186.045 (5), 186.050, 186.056, 186.060, 186.070, 186.110, 186.130, 186.140, 186.150, 186.160, 186.170, 186.180, 186.210, 186.230, or 186.655 to 186.680 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(2) Any person who violates any of the provisions of KRS 138.465, 186.190, or 186.200 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned for not more than one (1) year, or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than *twelve dollars ($12)* [seventeen dollars ($17)] nor more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(4) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars ($100) which shall accrue to the state and may be recovered with costs of the suit in a civil action brought by the department.

(5) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(6) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one (1) nor more than five (5) years. Displaying a canceled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 3. KRS 186.991 is amended to read as follows:

Any person who violates, or causes, aids, or abets any violation of KRS 186.052, 186.053, 186.281 and 186.286 or of any order, rule, or regulation lawfully issued pursuant thereto, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200) or imprisoned for not more than thirty (30) days, or both.

Section 4. KRS 189.394 is amended to read as follows:

(1) The fines for speeding in violation of KRS 189.390 and 189.391 shall be:

Mph. Over Limit	Prima Facie or Maximum Speed									
	15	20	25	30	35	40	45	50	55	Fine
1	16	21	26	31	36	41	46	51	56	$ 1
2	17	22	27	32	37	42	47	52	57	2
3	18	23	28	33	38	43	48	53	58	3
4	19	24	29	34	39	44	49	54	59	4
5	20	25	30	35	40	45	50	55	60	5
6	21	26	31	36	41	46	51	56	61	*16*[21]
7	22	27	32	37	42	47	52	57	62	*17*[22]
8	23	28	33	38	43	48	53	58	63	*18*[23]
9	24	29	34	39	44	49	54	59	64	*19*[24]
10	25	30	35	40	45	50	55	60	65	*20*[25]
11	26	31	36	41	46	51	56	61	66	*22*[27]
12	27	32	37	42	47	52	57	62	67	*24*[29]
13	28	33	38	43	48	53	58	63	68	*26*[31]
14	29	34	39	44	49	54	59	64	69	*28*[33]
15	30	35	40	45	50	55	60	65	70	*30*[35]
16	31	36	41	46	51	56	61	66	71	*32*[37]
17	32	37	42	47	52	57	62	67	72	*34*[39]
18	33	38	43	48	53	58	63	68	73	*36*[41]
19	34	39	44	49	54	59	64	69	74	*38*[43]
20	35	40	45	50	55	60	65	70	75	*40*[45]
21	36	41	46	51	56	61	66	71		*43*[48]
22	37	42	47	52	57	62	67	72		*46*[51]
23	38	43	48	53	58	63	68	73		*49*[54]
24	39	44	49	54	59	64	69	74		*52*[57]
25	40	45	50	55	60	65	70	75		*55*[60]

(2) For speeding in excess of the speeds shown on the specific fine schedule the fine shall be not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one hundred dollars ($100).

(3) For any violation shown on the chart for which a specific fine is prescribed the defendant may elect to pay the fine *and court costs* to the circuit clerk before the date of his trial or to be tried in the normal manner. Payment of the fine *and court costs* to the clerk shall be considered as a plea of guilty for all purposes.

(4) If the offense charged shows a speed in excess of the speeds shown on the specific fine schedule the defendant shall appear for trial and may not pay the fine to the clerk before the trial date.

[(5) In the event that the fine is paid to the clerk before trial date costs shall be ten dollars ($10).]

Section 5. KRS 189.990 is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, KRS 189.345 and 189.960, shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two thousand dollars ($2,000) or imprisoned in the county jail for not more than one (1) year, or both. Any person who violates paragraph (c) of subsection (4) of KRS 189.390 shall be fined not less than *eleven dollars ($11)* [sixteen dollars ($16)] nor more than *thirty dollars ($30)* [thirty-five dollars ($35)]. Neither court costs nor fees shall be taxed against any person convicted of violating paragraph (c) of subsection (4) of KRS 189.390.

(2) (a) Any person who violates the weight provisions of KRS 189.221, 189.222, 189.226, 189.230, 189.270 or 189.271 shall, upon conviction, be fined in an amount equal to two cents (2§) per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents (3§) per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents (5§) per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents (7§) per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents (9§) per pound when the excess exceeds 5,000 pounds but in no case shall the fine be less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500).

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than five hundred dollars ($500).

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the bureau of vehicle regulation to suspend or revoke certificates of common carriers, permits of contract carriers, or driver's or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than *fifteen dollars ($15)* [twenty dollars ($20)] nor more than fifty dollars ($50) for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)].

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than two hundred dollars ($200).

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than one hundred dollars ($100).

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (1) of KRS 189.370 shall be fined not [less than fifteen dollars ($15) nor] more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

(7) Any person who violates KRS 189.500 shall be fined not more than *fifteen dollars ($15)* [twenty dollars ($20)] in excess of the cost of the repair of the road.

(8) Any person who violates KRS 189.510 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than fifty dollars ($50).

(9) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than one hundred dollars ($100) nor more than five hundred dollars ($500); for the second offense, a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than three (3) days nor more than six (6) months; for each subsequent offense he shall be fined not less than one hunded dollars ($100) nor more than five hundred dollars ($500) and imprisoned for not less than thirty (30) days nor more than twelve (12) months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100).

(10) Any person who violates KRS 189.530 shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.

(11) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(12) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than *thirty dollars ($30)* [thirty-five dollars ($35)] nor more than one hundred dollars ($100) for each offense.

(13) The fines imposed by paragraph (a) of subsection (4) and subsections (7) and (8) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(14) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(15) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not less than *twenty dollars ($20)* [fifteen dollars ($15)] nor more than twenty-five dollars ($25).

(16) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

(17) (a) Any person who violates any of the provisions of KRS 189.565 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(b) In addition to the penalties prescribed in paragraph (a) of this subsection, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500). Each violation shall constitute a separate offense.

(18) Any person who abandons a vehicle upon the right-of-way of a state highway for seven (7) consecutive days shall be fined not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than one hundred dollars ($100) or imprisoned for not less than ten (10) days nor more than thirty (30) days.

(19) Every person convicted for violation of KRS 189.393 shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than *thirty-five dollars ($35)* [forty dollars ($40)] nor more than five hundred dollars ($500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(20) Any law enforcement agency which fails or refuses to forward the reports required by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157(2).

(21) A person who elects to operate a bicycle in accord with any regulations adopted pursuant to KRS 189.287 and who willfully violates a provision of such a regulation shall be fined not less than *ten dollars ($10)* [fifteen dollars ($15)] nor more than one hundred dollars ($100). A person who operates a bicycle without complying with any regulations adopted pursuant to KRS 189.287 or vehicle safety statutes shall be prosecuted for violation of the latter.

(22) Any person who violates KRS 189.860 shall be fined not more than five hundred dollars ($500) or imprisoned for not more than six (6) months, or both.

Section 6. KRS 189.993 is amended to read as follows:

(1) Any person who violates KRS 189.045 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

(2) Any person convicted of violating any of the provisions of KRS 189.095 shall be fined *sixty dollars ($60)* [sixty-five dollars ($65)] and costs of prosecution.

(3) Any person who violates any provision of KRS 189.205 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

(4) [Any person, firm or corporation violating the provisions of KRS 189.275 shall be fined not less than thirty-five dollars ($35) nor more than one hundred dollars ($100).

(5)] Any person who violates any provision of KRS 189.375 shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100).

[(6) (a) Any person who is not a handicapped person as prescribed in KRS 189.455 and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle registration plates in an attempt to procure the special plates prescribed by KRS 189.455 shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.

(b) Any person owning a vehicle bearing such vehicle registration plates, and not entitled to do so under the provisions of KRS 189.455, shall be fined sixty-five dollars ($65), and in default of payment, shall be imprisoned for not more than ten (10) days.

(7)] Any person who violates KRS 189.505 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200) or be imprisoned for not more than thirty (30) days, or both.

(6)[(8)] Any person found violating any provision of KRS 189.820 or 189.830 is guilty of a misdemeanor and shall be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than *thirty-five dollars ($35)* [forty dollars ($40)].

(7)[(9)] Any person who violates KRS 189.920 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(8)[(10)] Any person who violates KRS 189.930 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than five hundred dollars ($500), or be imprisoned in the county jail for not more than thirty (30) days, or both.

(9)[(11)] Any person who violates KRS 189.940 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than six (6) months, or both. In the case of a private vehicle, all lighting and other equipment used in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(10)[(12)] If a member of a regular or volunteer fire department or rescue squad violates any provisions of subsection (5) of KRS 189.940, he shall, in addition to any other penalty provided under KRS 189.990 or 189.993, be immediately dismissed from his membership or employment with the fire department or rescue squad and shall be disqualified from being employed by or being a member of any fire department or rescue squad in the Commonwealth for a period of three (3) years. Upon conviction of a second offense he shall be per-

manently barred from employment or membership in any fire department, rescue squad, police department, or sheriff's office in the Commonwealth, nor shall he be permitted to operate any public safety vehicle as defined in KRS 189.910.

(11)[(13)] Any person who violates KRS 189.950 shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or be imprisoned in the county jail for not more than thirty (30) days, or both. In the case of a privately owned vehicle, all lighting and other equipment used or installed in violation of KRS 189.910 to 189.950 shall be confiscated and forfeited to the county in which the offense occurred.

(12)[(14)] Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than *twenty dollars ($20)* [twenty-five dollars ($25)] nor more than one hundred dollars ($100) for each offense.

Section 7. KRS 281.990 is amended to read as follows:

(1) Any person who violates, or causes, aids or abets any violation of, any of the provisions of this chapter or any order, rule or regulation lawfully issued pursuant to authority granted by this chapter, or who knowingly makes any false or erroneous statement, report or representation to the department of motor transportation with respect to any matter placed under the jurisdiction of the department by this chapter, or who knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this chapter, or who knowingly fails to keep, or knowingly destroys or mutilates, any such accounts or records, shall be fined not less than *twenty-five dollars ($25)* [thirty dollars ($30)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days, or both. Every device to evade or to prevent the application of any provision of this chapter, or any lawful order, rule or regulation of the department issued pursuant thereto, shall constitute a violation thereof.

(2) Any person who violates KRS 281.615 shall be fined not less than *sixty dollars ($60)* [sixty-five dollars ($65)] nor more than two hundred dollars ($200), or imprisoned for not more than thirty (30) days or both.

(3) In addition to the penalties prescribed in subsection (1) of this section, in case of violation by any person in whose name an industrial bus is licensed, such person shall forfeit all certificates and permits held by him, and shall not be eligible to hold any certificate or permit for a period of five (5) years thereafter.

Section 8. KRS 142.030, Tax on criminal convictions paid into state treasury; and 142.040, Docket fee, are repealed.

Section 9. This Act shall become effective on July 1, 1979.

The Senate Amendment No. 1 to the Senate Committee Substitute to **HB 51** is as follows:

Amend printed copy of Senate Committee Substitute to **HB 51** on page 18, by inserting after line 7, the following:

"Section 9. KRS 431.530 is amended to read as follows:

(1) Any person who has been permitted to execute a bail bond in accordance with KRS 431.520 (3)(b) shall deposit with the clerk of the court before which the action is pending a sum of money equal to ten percent (10%) of the bail, but in no event shall such deposit be less than ten dollars ($10).

(2) Upon depositing said sum the defendant shall be released from custody subject to all conditions of release imposed by the court.

(3) *Except as provided in subsection (5) of this section,* if the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the defendant, unless the court orders otherwise, ninety percent (90%) of the sum deposited and shall retain as bail costs ten percent (10%) of the amount deposited; provided, however, in no event shall the amount retained by the clerk as bail costs be less than five dollars ($5). It is further provided that the court shall order the clerk of court to pay into the public defender special account any amount of the sum deposited by the defendant, in excess of bail costs, which in its sound discretion represents a reasonable fee for any public defender legal or investigative services provided for the defendant under KRS Chapter 31, but in no event shall the amount so paid to the public defender special account as public defender legal and investigative fees be less than five dollars ($5) per case. At the request of the defendant the court may order the amount repayable to defendant from such deposit to be paid to defendant's attorney of record.

(4) *Except as provided in subsection (5) of this section,* if a final judgment for a fine and court costs or either is entered in the prosecution of an action in which a deposit has been made in accordance with subsection (1) of this section, the balance of such deposit, after deduction of bail costs and public defender fees as provided for in subsection (3) of this section, shall be applied to the satisfaction of the judgment.

(5) If the defendant has performed all conditions of release and if the defendant is found not guilty of the offense for which bail was posted, or if all charges against him relating to the offense for which bail was posted are dropped or dismissed, then all bail money deposited by the defendant or by another person on his behalf shall be returned to him with no deductions therefrom as provided in subsections (3) or (4) of this section.

SECTION 10. A NEW SECTION OF KRS 431.530 TO 431.535 IS CREATED TO READ AS FOLLOWS:

When deposits of money are made by a person other than the defendant utilizing funds other than those of the defendant as bail security pursuant to KRS 431.530 the following terms and conditions shall apply in lieu of the provisions of subsections (3) and (4) of KRS 431.530:

(1) The deposit shall be listed as being made on behalf of the defendant by the depositor and not in the name of the defendant;

(2) If the conditions of release have been performed and the defendant has been discharged from all obligations in the action the clerk of the court shall return to the person who deposited the money ninety percent (90%) of the sum deposited and shall retain as bail costs ten percent (10%) of the amount deposited provided, however, in no event shall the amount retained by the clerk as bail costs be less than five dollars ($5.00);

(3) No deductions shall be made by the court for public defender services, satisfaction of fines, payment of attorneys, or any other purpose when the defendant has been discharged as provided in subsection (2) of this section unless agreed to by the poster of the bond.

(4) If the defendant has performed all conditions of release and if the defendant is found not guilty of the offense for which bail was posted, or if all charges against him relating to the offense for which bail was posted are dropped or dismissed, then all bail money deposited pursuant to this section shall be returned to the person posting the bail with no deductions therefrom as provided in subsections (3) or (4) of KRS 431.530."

On the roll call the vote was yeas 84-Adams, J. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Wells, White, Wright, Yates. Nays 7-W. Allen, Hancock, Layman, Van Horn, Wilborn, Williams, Worthington.

The motion that the House concur in the Senate Committee Substitute and the Senate Amendment No. 1 to the Senate Committee Substitute to **HB 51** was adopted.

Representative Fitzgerald moved that **HB 51**, as amended, be passed.

On the roll call the vote was yeas 88-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, Williams, Wright, Yates. Nays 4-Imes, McNutt, Wilborn, Worthington.

HB 51, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 51**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative Van Horn moved that the rules be suspended to record a vote change on the Senate Amendment No. 3 to **HB 44**.

On the roll call the vote was yeas 36-J. Allen, W. Allen, Arnold, Bennett, Brown, Bruce, Burch, Craddock, Cyrus, Davenport, Dawahare, Dunn, Freibert, Isler, Little, Mann, Marcum, Maynard, McKinney, Morris, Nett, O'Brien, Patrick, Pearman, Plummer, Rattliff, Riner, Romines, F. Smith, Stone, Tobin, Van Horn, White, Wilborn, Wright, Yates. Nays 33-Burnette, Clarke, DeMarcus, Deskins, Dietz, Donnermeyer, Foster, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Jones, Kenton, Kidd, Layman, LeMaster, List, Noe, Overstreet, Priddy, B. Richardson, Robinson, Sale, Schmidt, Siemens, R. Smith, Williams.

The motion that the rules be suspended was rejected.

The Clerk announced a meeting of the Committee on Appropriations and Revenue at 7:30 p.m., Room 307.

Recess

Representative B. Richardson moved that the House recess until 8:00 p.m. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HB 19** with Amendments, **HB 50** with Amendment and **HB 68** with Amendments.

Orders of the Day (Cont.)

HB 19, with Senate Amendments attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved to suspend the rules to consider amendments.

On the roll call the vote was yeas 5-Arnold, Dawahare, DeMarcus, B. Richardson, Worthington. Nays 49-W. Allen, Bendl, Benson, Blandford, Blythe, Boswell, Brinkley, Bruce, Burch, Cyrus, Davenport, DeFalaise, Donnermeyer, Dunn, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Isler, Jones, Kidd, Layman, LeMaster, List, Mann, Marcum, Maynard, McBee, Morris, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Riner, Romines, Schmidt, Siemens, F. Smith, R. Smith, Tobin, Van Horn, Yates.

The motion to suspend the rules to consider amendments was rejected.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 43** and **HB 46** have been examined and found correctly enrolled. Said bills read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 43 and **HB 46** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative B. Richardson moved that the House stand at ease. Agreed.

Senate Message

Announcing passage of **HB 38** with Committee Substitute and Amendment.

The following message was received in regard to **SB 9**: The Senate has appointed Senators Mobley, Yocom and Rogers to serve on a Conference Committee for **SB 9**.

Orders of the Day (Cont.)

The Clerk announced the following members of the House have been appointed to the Conference Committee on **SB 9**: Representatives Donnermeyer, Imes, and Robinson.

Representative Clapp moved that no other business be conducted on this day other than Senate Messages and Conference Committee appointments and action. Agreed.

Representative Clapp moved that the rules be suspended for the purpose of making adjournment plans. Agreed.

Representative Clapp moved that when the House adjourns, it do so by voice vote. Agreed.

Representative Clapp moved that when the House adjourns, it do so until 9:00 a.m., February 10, 1979. Agreed.

Senate Message

The following message was received in regard to **HB 44**: The Senate has refused to recede from its amendments to **HB 44** and requests a conference. The Senate has appointed the following Senators to serve on this Committee: Senators Wright, Baker and O'Daniel.

Recess

Representative Clapp moved that the House recess. Agreed.

The Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **HB 63**.

The following letter was received in regard to **SB 9**: The Conference Committee on Senate Bill No. 9 has reported to this body that it is deadlocked and has requested that a Free Conference Committee be called. The Senate has appointed the same members to the Free Conference Committee.

Recess

Representative Fitzgerald moved that the House recess. Agreed.

Representative Lindsay assumed the Chair and called the House to order.

Senate Message

The following letter was received in regard to **HB 49**: As requested by this Honorable Body, the Senate has receded from its amendment to **HB 49** and is returning same for enrollment.

Announcing passage of **HB 73** with Amendment, **HR 8**, **HR 41**, and **HB 47**.

Recess

Representative Jones moved that the House recess. Agreed.

The Speaker assumed the Chair and called the House to order.

Announcements

The Speaker announced the following members have been appointed to the Conference Committee on **HB 44**: Representative Wells, Clapp, and Clarke.

Adjournment

Representative Clapp moved that the House adjourn until 9:00 a.m., February 10, 1979.

The House adjourned by voice vote.

SATURDAY, FEBRUARY 10, 1979

TWENTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Kenton.

Prayer by Representative Louis Johnson.

The roll was called. All present except Representatives Carpenter, Gay, Stewart, Williams, and Weinberg.

Representative Isler moved that absent members be granted leave of absence. Agreed.

Representative Brinkley moved that the reading of the Journal of February 9, 1979 be dispensed with and the same approved. Agreed.

Introduction of Bills and Resolutions

HR 64, by Representatives F. Smith, Noe, B. Richardson, Boswell, and Priddy: A RESOLUTION honoring the Legislative Research Commission staff and General Assembly employees.

Motions, Petitions, and Communications

Representative Donnermeyer reported that the Conference Committee on SB 9 could not agree and requested that a Free Conference Committee be appointed.

The Speaker announced the following members have been appointed to the Free Conference Committee on SB 9: Representatives Donnermeyer, Imes, and Robinson.

Representative B. Richardson moved that the rules be suspended to go to Orders of the Day. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 44** had been examined and found correctly enrolled. **SB 44** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day

HB 19, with Senate Amendments attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 6 to **HB 19**:

Amend printed copy of **HB 19** on page 84, line 24, after "ment" by deleting the words "Further, it is the intention and purpose of this"; and on

Page 84, lines 25 and 26 by deleting same; and on

Page 85, lines 1 through 26 by deleting same; and on

Page 86, lines 1 and 2 by deleting same.

On the roll call the vote was yeas 55-Arnold, Bennett, Benson, Beshear, Boatwright, Boswell, Brown, Burch, Clarke, Craddock, Crupper, Davenport, DeFalaise, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guy, Haering, Hancock, Hines, Holbrook, Johnson, Jones, Kenton, Kidd, Little, Mann, Marcum, May, McNutt, Morris, Nett, Patrick, Pearman, Petty, Plummer, Rattliff, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Turner, Van Horn, White, Wilborn, Wright, Yates. Nays 11-Adams, W. Allen, Bruce, Clapp, Cyrus, Gray, Imes, Isler, Layman, Noe, Richards.

The motion that the House refuse to concur in Senate Amendment No. 6 to **HB 19** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 7 to **HB 19**:

Amend printed copy of **HB 19** on page 16, line 6, by deleting "$23,651,600" and inserting in lieu thereof "$23,371,600";

and on line 7, by deleting "$24,819,900" and inserting in lieu thereof "$25,099,900";

and on line 8, by deleting "$7,833,400" and inserting in lieu thereof "$7,553,400";

and on line 9, by deleting "$8,407,900" and inserting in lieu thereof "$8,687,900";

and on page 20, line 23, by deleting "$147,579,800" and inserting in lieu thereof $147,299,800";

and on line 24, by deleting "$145,706,000" and inserting in lieu thereof "$145,986,000".

On the roll call the vote was yeas 74-Adams, W. Allen, Arnold, Bennett, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Little, Mann, Marcum, May, Maynard, McKinney, McNutt, Morris, Nett, Noe, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Turner, Van Horn, White, Wilborn, Wright, Yates. Nays 0.

The Motion that the House concur in Senate Amendment No. 7 to **HB 19** was adopted.

Representative Clarke moved that the House concur in the following Senate Amendment No. 8 to **HB 19**:

Amend printed copy of **HB 19** on page 82, line 24, by inserting the following as a new Section 8 and renumbering Section 8 to Section 9:

"*8. In the event of an unappropriated surplus for fiscal year 1978-79 in the General Fund in excess of $20,000,000 and in the event the Coal Severance Tax received for fiscal year 1978-79 exceeds $147,500,000, there is hereby appropriated to the Coal Producing County Development Fund, as established and for the purposes authorized in KRS 42.300 to 42.310, for fiscal year 1979-80 the sum of $4,500,000 and also $1,500,000 for fiscal year 1979-80 to the Coal Impact Road Fund as defined in KRS 177.970.*"

On the roll call the vote was yeas 48-J. Allen, W. Allen, Arnold, Beshear, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Fitzgerald, Freibert, Gray, Guy, Haering, Head, Holbrook, Kenton, Layman, LeMaster, Little, Mann, Marcum, May, McKinney, Morris, Noe, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Robinson, Sale, Schmidt, R. Smith, Stone, Tobin, Turner, Van Horn, Wells, Wright. Nays 28-Bennett, Benson, Blandford, Burch, Clarke, DeFalaise, Dietz, Dunn, Foster, Hancock, Holloway, Imes, Isler, Johnson, Kidd, Lindsay, Maynard, McNutt, Nett, O'Brien, Petty, Richards, B. Richardson, Riner, Siemens, F. Smith, Wilborn, Yates.

The motion that the House concur in Senate Amendment No. 8 to **HB 19** was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 10 to **HB 19**:

Amend printed copy of **HB 19** by adding after line 2, the following:

"PART VI

GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the following sums:

I GENERAL ASSEMBLY

A. Legislative Services and Session Compensation.

1979-1980 .... $1,919,325

B. Monthly Expenses and Retirement Contributions for Legislators.

1979-1980 .... $1,198,898

C. Interim Committees; Special Advisory Commissions and Study Committees.

1979-1980 .... $ 503,450

Includes funds for operating expenses and staff services of interim joint and interim special subcommittees of the commission as provided in KRS Chapter 7.110(5).

D. Electronic Data Processing.

1979-1980 .... $ 141,000

E. Legislative Interns.

1979-1980 .... $ 78,400

For the costs of maintaining the legislative interim program during the 1980 session of the General Assembly.

I TOTAL GENERAL ASSEMBLY

1979-1980 .... $3,841,073

II LEGISLATIVE RESEARCH COMMISSION

1979-1980 .... $3,400,462

GRAND TOTAL LEGISLATIVE

1979-1980 .... $7,241,535

TRUST AND AGENCY FUNDS

There is hereby appropriated to the Legislative Research Commission for the fiscal year ending June 30, 1980, all the receipts from the sale of publications and administrative regulations, and any unexpended balance remaining in the commission's existing Trust and Agency account at the close of the fiscal year ending June 30, 1979."

On the roll call the vote was yeas 56-Adams, J. Allen, W. Allen, Arnold, Bennett, Benson, Blandford, Boatwright, Beinkley, Brown, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Donnermeyer, Dunn, Foster, Freibert, Guy, Hancock, Head, Hines, Holloway, Hurst, Isler, Kenton, Kidd, LeMaster, Little, Mann, McKinney, Morris, Noe, O'Brien, Patrick, Petty, Plummer, Richrds, B. Richardson, P. Richardson, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Turner, Van Horn, Wilborn. Nays 22-Boswell, Bruce, Burnette, Fitzgerald, Gray, Haering, Holbrook, Imes, Johnson, Layman, Lindsay, List, Marcum, Maynard, McNutt, Nett, Pearman, Rattliff, Riner, Tobin, Wright, Yates.

The motion that the House refuse to concur in Senate Amendment No. 10 to **HB 19** was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 11 to **HB 19**:

Amend printed copy of **HB 19** on page 3, line 13, by inserting after line 13 "a. General Operations";

and after line 19, insert "b. Division of Consumer Intervention"

"1979-80 .... $ 252,000"

"Funds are appropriated to the office of the attorney general for the purpose of employing or retaining such engineers, economists, accountants, actuaries, and other professionals as may be necessary or appropriate to investigate rate filings and to serve as expert witnesses before regulatory agencies on behalf of the consumers of the Commonwealth of Kentucky."

"Total - Department of Law"

"1978-79 .... $2,541,200"

“1979-80 .... $3,001,700”;

and on page 23, line 3, by deleting $3,050,000” and inserting in lieu thereof “$1,800,000”;

and on line 4, by deleting “$650,000” and inserting in lieu thereof “$300,000”;

and by deleting lines 10 through 14;

and on line 17, by deleting “$35,295,000” and inserting in lieu thereof “$34,045,000”;

and on line 18, by deleting “$32,105,300” and inserting in lieu thereof “$31,755,300”.

On the roll call the vote was yeas 74-Adams, J. Allen, Arnold, Bennett, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McNutt, Morris, Nett, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, B. Richardson, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Turner, Van Horn, Wells, Worthington, Wright, Yates. Nays 9-W. Allen, DeFalaise, Haering, McKinney, Noe, Richards, F. Smith, Tobin, Wilborn.

The motion that the House refuse to concur in the Senate Amendment No. 11 to **HB** 19 was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 12 to **HB** 19:

Amend printed copy of **HB** 19 on page 46, by deleting lines 6 through 14;

and on page 79, after line 20, by adding the following:

“
=————————————————————

Total - Capital Construction - General Fund

1978-79 .... $6,396,400

=————————————————————”=

On the roll call the vote was yeas 81-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McKinney, McNutt, Morris, Nett, O'Brien, Patrick, Pearman, Petty, Plummer, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Wells, White, Wilborn, Wright, Yates. Nays 2-F. Smith, Worthington.

The motion that the House refuse to concur in Senate Amendment No. 12 to **HB** 19 was adopted.

Representative Clarke moved that the House refuse to concur in the following Senate Amendment No. 13 to **HB** 19:

Amend printed copy of **HB** 19 on page 23, at the end of line 14, by adding the following: “Any unexpended balance in the Multi-County Industrial Site Development Program may be used for agriculture loans and tourism loans.”

On the roll call the vote was yeas 77-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Burch, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Isler, Johnson, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Petty, Plummer, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 6-Bruce, Burnette, Imes, May, Pearman, Rattliff.

The motion that the House refuse to concur in the Senate Amendment No. 13 to **HB** 19 was adopted.

Representative Clarke directed the Clerk to communicate with the Senate in regard to **HB 19**.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 40, HB 47, HB 49, HB 51, HB 63, HCR 8,** and **HR 41** had been examined and found correctly enrolled. **HB 40, HB 47, HB 49, HB 51, HB 63, HCR 8,** and **HR 41** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 40, HB 47, HB 49, HB 51, HB 63, HCR 8, and **HR 41** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Senate Message

The following message was received in regard to **HB 44**: The Conference Committee on House Bill 44 has reported that it will be unable to agree on the amendments and has requested that a Free Conference Committee be called.

The Senate has appointed the same members to the Free Conference Committee.

Orders of the Day (continued)

HB 50, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment No. 1 to **HB 50**:

Amend printed copy of **HB 50** on page 2, line 1, after the word "*person*" and before the period insert the following:

"*except for the initial examination by the physician to determine whether medical care is needed*"; and on

Line 12, after the word "*nature*" and before the semicolon, insert the following:

"*except for the initial examination by the physician to determine whether medical care is needed*"; and on

Line 17, after the word "*Program*" and before the semicolon, insert the following:

"*. Such services shall not include psychological testing, evaluation or care*"

On the roll call the vote was yeas 72-Adams, J. Allen, W. Allen, Arnold, Bennett, Beshear, Blandford, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, Nett, O'Brien, Patrick, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, R. Smith, Stone, Tobin, Turner, Van Horn, White, Wright, Yates. Nays 17-Bendl, Benson, Blythe, Boatwright, Haering, Hines, Kenton, Kidd, Mann, McNutt, Morris, Noe, Pearman, F. Smith, Thomas, Wilborn, Worthington.

The motion that the House concur in Senate Amendment No. 1 to **HB 50** was adopted.

Representative Fitzgerald moved that **HB 50**, as amended, be passed.

On the roll call the vote was yeas 89-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 50, as amended, was passed and the title agreed to.

Representative Fitzgerard moved that the vote by which **HB 50**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

HB 68, with Senate Amendment attached thereto, taken from Orders of the Day. Represenative B. Richardson moved that it be placed upon its passage. Agreed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment No. 1 to HB 68:

Amend printed copy of **HB 68**, page 9, line 25, insert after city "or urban county government."

On the roll call the vote was yeas 85-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 3-Bruce, Deskins, Overstreet.

The motion that the House concur in Senate Amendment No. 1 to **HB 68** was adopted.

Representative Fitzgerald moved that the House concur in the following Senate Amendment No. 3 to HB 68:

Amend printed copy of **HB 68** on line 2, delete line 2 in its entirety; and

On line 3, delete the words: "*assessment from the department of revenue* ["; and

On line 3, insert before the word "April" the following:

"*May 24* ["; and

On line 3, after the number "15" insert a closing bracket "]"; and

On line 4, after the word "year", delete the closing bracket "]"; and

On line 6, before the word "May" insert the following: "*June 1* ["; and

On line 6, after the number "1" insert a closing bracket "]"; and

On page 8, lines 24 through 26, delete lines 24 through 26 in their entirety; and

On page 9, lines 1 through 22, delete lines 1 through 22 in their entirety; and

On page 9, line 23, delete the number "4" and substitute therefor the number "3".

On the roll call the vote was yeas 81-Adams, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, White, Worthington, Wright, Yates. Nays 5-J. Allen, Deskins, Overstreet, Tobin, Wilborn.

The motion that the House concur in the Senate Amendment No. 3 to **HB 68** was adopted.

Representative Fitzgerald moved that the House concur in the following Senate Amendment No. 5 to HB 68:

Amend printed copy of **HB 68** on page 10, line 12, by adding the following:

"SECTION 5. A NEW SECTION OF KRS CHAPTER 30A IS CREATED TO READ AS FOLLOWS:

The court of justice may expend funds necessary to insure circuit clerks and their deputies against any liability arising out of an act or omission committed in the scope and course of performing legal duties."

On the roll call the vote was yeas 86-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, P. Richardson, Riner, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, White, Wilborn, Worthington, Wright, Yates. Nays 0.

The motion that the House concur in the Senate Amendment No. 5 to **HB 68** was adopted.

Representative Fitzgerald moved that **HB 68**, as amended, be passed.

On the roll call the vote was yeas 86-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 2-W. Allen, Tobin.

HB 68, as amended, was passed.

Representative Fitzgerald moved that the House concur in the following Senate Amendment (Title) No. 6 to **HB 68**:

Amend printed copy of **HB 68** on page 1, line TITLE, by inserting "state and" after "to" and before "local".

On the roll call the vote was yeas 81-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Wilborn, Worthington, Wright. Nays 3-W. Allen, Deskins, Overstreet.

The motion that the House concur in the Senate Amendment No. 6 (Title Amendment) was adopted and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 68**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 5** had been examined and found correctly enrolled. **SB 5** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

HB 38, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that the House concur in the following Senate Committee Substitute to **HB 38**:

HB 38, AN ACT creating a small miners' assistance program.

WHEREAS, the General Assembly finds that the small operator is a vital and productive part of the economy of the Commonwealth; and

WHEREAS, the small operator produces approximately twenty percent (20%) of Kentucky's annual total coal production and plays a significant role in basic energy production for the nation; and

WHEREAS, unless a small operator's assistance program is promptly instituted during the interim program, many of them will go out of business;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 350.450 is amended to read as follows:

(1) If the area proposed to be mined contains prime farmland as defined in Public Law 95-87, "Surface Mining Control and Reclamation Act of 1977," then no permit shall be issued unless it complies with Section 510(d)(1) therein. Nothing in this subsection shall apply to any permit issued prior to August 3, 1977, or to any revisions or renewals thereof, or to any existing strip mining operations for which a permit was issued prior to August 3, 1977. Nothing herein shall be construed as authorizing the department to promulgate regulations more stringent than those promulgated pursuant to PL 95-87 relating to prime farmland.

(2) Where a strip mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, the operation shall comply with the requirements of subsections (2)(c) and (d) of this section without regard to the requirements of KRS 350.410 or 350.445(2) and (3) with respect to lands from which overburden and the coal seam being mined have not been removed; provided, however, the department shall establish internal procedures pursuant to which it shall permit strip mining operations for the purposes set forth in subsection (2)(b) of this section.

(a) Where an applicant meets the requirements of subsections (2)(b) and (c) of this section a permit without regard to the requirements to restore to approximate original contour set forth in KRS 350.410 or 350.445(2) and (3) may be granted for the strip mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in subsection (3)(d) of this section, by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining and capable of supporting postmining uses in accord with the requirements of this subsection.

(b) In cases where an industrial, commercial, agricultural, residential, or public facility, including recreational facilities, use is proposed for the postmining use of the affected land, the department may grant a permit for a strip mining operation of the nature described in subsection (2)(a) of this section where:

1. After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is deemed by the department to constitute an equal or better economic or public use of the affected land as compared with premining use;

2. The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the land use will be:

a. Compatible with adjacent land uses;

b. Obtainable according to data regarding expected need and market;

c. Assured of investment in necessary public facilities;

d. Supported by commitments from public agencies where appropriate;

e. Practicable with respect to private financial capability for completion of the proposed use;

f. Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and

g. Designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

3. The proposed use would be consistent with adjacent land uses and existing state and local land use plans; and

4. The department provides the governing body of the unit of general-purpose government in which the land is located, and any state or federal agency which the department in its discretion determines to have an interest in the proposed use, an opportunity of not more than thirty (30) days to review and comment on the proposed use; and

5. All other requirements of this chapter will be met.

(c) In granting any permit pursuant to this subsection the following requirements apply:

1. The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

2. The reclaimed area is stable;

3. The resulting plateau or rolling contour drains inward from the outslopes except at specified points;

4. No damage will be done to natural watercourses;

5. Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use; provided, that all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of KRS 350.440; and

6. Insure stability of the spoil retained on the mountaintop and meet the other requirements of this chapter.

(d) The requirements of all regulations promulgated under this subsection are met.

(e) All permits granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(3) (a) The department shall adopt procedures pursuant to which it may permit variances for the purposes set forth in subsection (3)(c) of this section, provided that the watershed control of the area is improved; and fur-

ther provided complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(b) Where an applicant meets the requirements of subsection (3)(c) of this section, a variance from the requirement to restore the approximate original contour set forth in KRS 350.445(2) may be granted for the strip mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accord with the further provisions of subsections (3)(c) and (d) of this section.

(c) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land shall:

1. Be deemed by the department to constitute an equal or better economic or public use;

2. Be designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and

3. The watershed of the affected land be deemed by the department to be improved.

(d) In granting a variance pursuant to subsection (3) of this section, the department shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, insure stability of the spoil retained on the bench, meet all other requirements of this chapter, and require all spoil placement off the mine bench to comply with KRS 350.440.

(e) The department shall promulgate specific regulations as it deems necessary, if any, to govern the granting of variances in accord with the provisions of this subsection and may impose such additional requirements as it deems to be necessary.

(f) All exceptions granted under the provisions of this subsection shall be reviewed not more than three (3) years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(4) Strip and underground coal mining operations in operation pursuant to a permit issued before August 4, 1977, issued to a person as defined in KRS 350.010(7) in existence prior to May 2, 1977, and operated by a person whose total annual production of coal from surface and underground coal mining operations does not exceed one hundred thousand (100,000) tons shall not be subject to the provisions set forth in KRS 350.400 and subsection (2) of this section, except with reference to the provision of KRS 350.445(1), until January 1, 1979. The department shall certify qualified applicants pursuant to this subsection.

(5) The department shall adopt programs, regulations, and procedures designed to provide technical assistance to assist the small coal operator with the permitting and environmental protection performance standards for strip and underground coal mining operations within the Commonwealth. Such programs shall be directed towards eliminating delays in the processing of permits by establishing a special administrative program to review small operator's permit applications and by establishing a procedure for providing the small operator access to special technical services necessary for completing the permit application. For the purposes of this subsection, a small coal operator is one who is anticipated to mine less than 200,000 tons per year, and the department in determining tonnage for qualification shall consider all production from common ownership of other corporations or operations. Upon written notification by the small coal operator to the department stating that no more mining will take place under a permit, the department shall release a portion of the bond in accordance with KRS 350.070.

Section 2. Whereas, the small coal operators exemption expired January 1, 1979, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the governor.

On the roll call the vote was yeas 64-Adams, Arnold, Bennett, Blythe, Boswell, Brinkley, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Guenthner, Guy, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kidd, Kleier, List, Little, Mann, Marcum, May, McBee, McNutt, Morris, Noe, O'Brien, Patrick, Pearman, Petty, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Turner, White, Worthington, Wright, Yates. Nays 15-W. Allen, Benson, Blandford, Boatwright, Clarke, Deskins, Freibert, Haering, LeMaster, Lindsay, Overstreet, Schmidt, Tobin, Van Horn, Wilborn.

The motion that the House concur in the Senate Committee Substitute to **HB 38** was adopted.

Representative B. Richardson moved that the House concur in the following Senate Amendment No. 5 to **HB 38**:

Amend printed copy of **HB 38** on page 8, line 24, by inserting after the period the following language:

"*in making its determinations pursuant to KRS 350.070 the department shall:*

(a) Determine the percentage of the permitted acreage in the area of reduction in relation to the initial acreage of the permit;

(b) Examine the land which has been disturbed and estimate the cost of reclamation;

(c) When the estimated cost of reclamation does not exceed five thousand dollars ($5,000) then the department shall return all bond money in excess of the five thousand dollars ($5,000);

(d) When the estimated cost of reclamation exceeds five thousand dollars ($5,000) the department shall retain the amount estimated and shall return all bond money in excess of the estimated amount but in no case shall the department return more than the amount determined by multiplying the percentage determined under paragraph (a) of this subsection times the original total bond amount."

On the roll call the vote was yeas 25-Adams, Benson, Burch, Clapp, Clarke, Craddock, Dietz, Donnermeyer, Dunn, Fitzgerald, Hurst, Imes, Isler, Jones, Kenton, Lindsay, Mann, Nett, O'Brien, Petty, Richards, B. Richardson, P. Richardson, Wells, Wilborn. Nays 60-W. Allen, Arnold, Bendl, Bennett, Blythe, Boswell, Brinkley, Brown, Bruce, Burnette, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Johnson, Kidd, Kleier, Layman, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, Riner, Robinson, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, White, Worthington, Wright, Yates.

The motion that the House concur in Senate Amendment No. 5 to **HB 38** was rejected.

HB 73, with Senate Amendment attached thereto, taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative McNutt moved that the House concur in the following Senate Amendment No. 1 to **HB 73**:

Amend printed copy of **HB 73**, page 2, by deleting lines 24 and 25, and on line 26 by changing "SECTION 3" to "SECTION 2"; and

on page 3, lines 2 and 3, by deleting "until January 1, 1980".

On the roll call the vote was yeas 90-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Hancock, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, White, Worthington, Wright, Yates. Nays 2-Guenthner, Wilborn.

The motion that the House concur in Senate Amendment No. 1 to **HB 73** was adopted.

Representative McNutt moved that **HB 73**, as amended, be passed.

On the roll call the vote was yeas 89-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Fitzgerald, Foster, Gray, Guenthner, Guy, Haering, Hancock, Head, Hines, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, Layman, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Nett, Noe, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Turner, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HB 73, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 73**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that **SB 36** be recommitted to the Committee on Agriculture and Natural Resources. Agreed.

Representative Rattliff announced a meeting of the Minority Caucus in the State Reception Room upon recess.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Senate Message

The following message was received in regard to **HB 19**: The Senate has refused to recede from its amendments on **HB 19** and requests a conference. The Senate has appointed the following Senators to serve on this Committee: Senators Martin, Berry and Huff.

Orders of the Day (continued)

The Clerk announced the following members of the House have been appointed to the Conference Committee on **HB 19**: Representative Jones, Chairman, and Representatives Adams and DeMarcus.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour the Speaker resumed the Chair and called the House to order.

Senate Message

The following message was received in regard to **SB 9**: The Senate has accepted the Free Conference Report on Senate Bill No. 9 and repassed the bill. It is requested that it be notified of house action in order that the bill may be subsequently enrolled.

Orders of the Day (continued)

Representative Donnermeyer read the following Free Conference Committee Report on **SB 9**:

In lieu of House Committee Amendment No. 1, amend Senate Bill 9 as follows:

On page 1, line 5, delete "and" and insert in lieu thereof "the performance of a hazardous duty"; and

On page 2, line 17, after "limited duties." insert the following:

"Any officer adversely affected or aggrieved by a final determination of the Commissioner pursuant to this section may appeal within thirty (30) days to the lcoal circuit court."

And, on page 3, line 10, delete "and" and in lieu thereof insert "the performance of a hazardous duty".

(Endorsed by Senators Yocom, Mobley, and Rogers; Representatives Donnermeyer, Robinson, and Imes.)

Representative Donnermeyer moved the adoption of the Free Conference Committee Report on **SB 9**.

On the roll call the vote was yeas 75-J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guy, Haering, Head, Hines, Holbrook, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Pearman, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Worthington, Wright, Yates. Nays 0.

The Free Conference Committee Report on **SB 9** was adopted.

Representative B. Richardson moved that **SB 9** be placed in Orders of the Day. Agreed.

SB 9 taken from Orders of the Day. Representative B. Richardson moved that it be placed upon its passage. Agreed.

Representative B. Richardson moved that **SB 9**, as amended by the Free Conference Committee Report, be passed.

On the roll call the vote was yeas 81-J. Allen, W. Allen, Arnold, Bendl, Bennett, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Guy, Haering, Head, Hines, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kidd, Kleier, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Tobin, Van Horn, Wilborn, Worthington, Wright, Yates. Nays 0.

SB 9, as amended by the Free Conference Committee Report, was passed and the title agreed to.

Recess

Representative B. Richardson moved that the House recess until 1 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

The following message was received in regard to **HB 19**: The Conference Committee on House Bill No. 19 has reported that it could not agree and has requested that a Free Conference Committee be called. The Senate has appointed the same Senate members to the Free Conference Committee.

Orders of the Day (continued)

The Clerk announced the following members of the House have been appointed to the Free Conference Committee on **HB 19**: Representatives Jones, Adams and DeMarcus.

Recess

Representative B. Richardson moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Recess

Representative J. Allen moved that the House recess until 2:30. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Recess

Representative Donnermeyer moved that the House recess for twenty-five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 50**, **HB 73** and **HB 68** have been examined and found correctly enrolled. **HB 50**, **HB 73** and **HB 68** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 50, **HB 73** and **HB 68** delivered to the Senate, Signed by President. Ordered delivered to the Governor.

Recess

Representative B. Richardson moved that the House recess fifteen minutes for a Caucus. Agreed.

The Clerk announced a meeting of the Majority Party in the State Reception Room.

The Clerk announced a meeting of the Minority Party in Room 305.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Recess

Representative J. Allen moved that the House recess until 5:30 p.m. Agreed.

At the appointed hour, the Speaker, resumed the Chair and called the House to order.

Report on Enrolled Bills

The Committee on Enrollment reported **SB 9** had been examined and found correctly enrolled. **SB 9** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day (continued)

Representative B. Richardson moved that **HB 38** be placed in Orders of the Day. Agreed.

Representative White moved that the vote by which **HB 38** was passed be reconsidered.

On the roll call the vote was yeas 80-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, Noe, O'Brien, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Worthington, Wright, Yates. Nays 3-Clarke, Hancock, Wilborn.

The motion that the vote by which **HB 38** was passed be reconsidered was adopted.

Representative White moved that the vote on Senate Amendment No. 5 to HB 38 be reconsidered.

On the roll call the vote was yeas 78-Adams, Arnold, Bendl, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Patrick, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Worthington, Wright, Yates. Nays 7-Burnette, Guenthner, Hancock, McNutt, Overstreet, Pearman, Wilborn.

The motion that the vote on Senate Amendment No. 5 to **HB 38** be reconsidered was adopted.

Representative B. Richardson moved that the House concur in the Senate Amendment No. 5 to **HB 38**.

On the roll call the vote was yeas 81-Adams, Arnold, Bendl, Bennett, Benson, Beshear, Blythe, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McKinney, McNutt, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

The motion that the House concur in Senate Amendment No. 5 to **HB 38** was adopted.

Representative B. Richardson moved that **HB 38**, as amended, be passed.

On the roll call the vote was yeas 56-Adams, Arnold, Bennett, Beshear, Boatwright, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Dietz, Dunn, Foster, Gray, Guenthner, Guy, Haering, Head, Holbrook, Holloway, Hurst, Imes, Isler, Kenton, Kleier, Marcum, May, McBee, McKinney, McNutt, Morris, O'Brien, Patrick, Plummer, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Siemens, R. Smith, Stone, Thomas, Wells, White, Worthington, Wright, Yates. Nays 28-Bendl, Benson, Blythe, Boswell, Clarke, Crupper, Deskins, Fitzgerald, Freibert, Hancock, Johnson, Layman, LeMaster, Lindsay, List, Little, Mann, Maynard, Nett, Overstreet, Pearman, Priddy, Rattliff, P. Richardson, Schmidt, F. Smith, Van Horn, Wilborn.

HB 38, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 38**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Representative B. Richardson moved that the House stand at ease. Agreed.

Speaker Pro Tempore Clapp presiding.

Representative B. Richardson moved that the House move to the order of business of Motions, Petitions, and Communications. Agreed.

Motions, Petitions, and Communications (continued)

Representative Mann moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Mann moved that his vote be changed from "nay" to "yea" on **HB 43** as amended by the Senate. Agreed.

Representative Deskins moved that the rules be suspended for the purpose of recording a vote. Agreed.

Representative Deskins requested that he be recorded as voting "yea" on Senate Amendment No. 8 to **HB 19**. Agreed.

Representative DeFalaise moved the adoption of the following Legislative Citation No. 66:

THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF KENTUCKY hereby honors Ruth McElwain, Senate Message Clerk, for bravery beyond the call of duty, under hazardous conditions. This body commends her for her faithfulness and excellent services and extends to her our very best wishes.

Agreed.

Representative F. Smith moved that the rules be suspended to act upon a Resolution. Agreed.

Representative F. Smith moved the adoption of the following **HR 64**:

HR 64, A RESOLUTION honoring the Legislative Research Commission staff and General Assembly employees.

WHEREAS, the Legislative Research Commission staff has met the challenge of providing information and preparing legislation for this unanticipated special session; and

WHEREAS, the work of the Legislative Research Commission staff has enabled us to understand and deal with the issue of government finance and other complex subjects and to make decisions based on fact rather than faith; and

WHEREAS, the other General Assembly employees have performed the many and varied services that enable us to carry out our duties as elected officials; and

WHEREAS, the members of the Legislative Research Commission staff and General Assembly employees have worked willingly, diligently and tirelessly whenever called up by the members of this honorable body;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives does hereby commend and thank each member of the Legislative Research Commission staff and General Assembly employees for service during this extraordinary session.

Section 2. That a copy of this resolution be forwarded to the Director of the Legislative Research Commission.

On the roll call the vote was yeas 86-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Head, Holbrook, Holloway, Imes, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Mann, Marcum, May, Maynard, McBee, McNutt, Morris, Nett, Noe, O'Brien, Overstreet, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Tobin, Van Horn, Wells, White, Wilborn, Worthington, Wright, Yates. Nays 0.

HR 64 was adopted.

Representative Boswell moved that the rules be suspended for the purpose of making a motion concerning co-sponsors of Bills and Resolutions. Agreed.

Representative Boswell moved that all properly filed co-sponsor requests be approved. Agreed.

The following members filed requests to have their names added as co-sponsors of Bills: Representative List, **HB 44**; Representative Thomas, **HB 5**.

Representative Jones read the following Free Conference Committee Report on **HB 19**:

In place of Senate Amendment 10, substitute the following:

Amend printed copy of **HB 19**, page 86, line 2, by adding after line 2, the following:

"PART VI

GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the following sums:

I GENERAL ASSEMBLY

A. Legislative Services and Session Compensation.

1979-1980 .... $1,958,525

B. Monthly Expenses and Retirement Contributions for Legislators.

1979-1980 .... $1,198,898

C. Interim Committees; Special Advisory Commissions and Study Committees.

1979-1980 .... $ 513,750

Includes funds for operating expenses and staff services of interim joint and interim special subcommittees of the commission as provided in KRS Chapter 7.110(5).

D. Electronic Data Processing.

1979-1980 .... $ 141,000

E. Legislative Interns.

1979-1980 .... $ 80,000

For the costs of maintaining the legislative intern program during the 1980 session of the General Assembly.

F. Facilities Improvements.

1979-1980 .... $ 50,000

I TOTAL GENERAL ASSEMBLY

1979-1980 .... $3,942,173

II LEGISLATIVE RESEARCH COMMISSION

1979-1980 .... $3,397,162

The Legislative Research Commission may transfer the sums not to exceed the total of $50,000 of the total amount appropriated above ($3,397,162) for fiscal year 1979-80 among the sections and subsections specified above for the General Assembly.

GRAND TOTAL LEGISLATIVE

1979-1980 .... $7,339,335

TRUST AND AGENCY FUNDS

There is hereby appropriated to the Legislative Research Commission for the fiscal year ending June 30, 1980, all the receipts from the sale of publications and administrative regulations, and any unexpended balance remaining in the commission's existing Trust and Agency account at the close of the fiscal year ending June 30, 1979."

****

In place of Senate Amendment 12, substitute the following:

Amend printed copy of **HB 19**, page 46, as follows:

Delete lines 6 through 14;

And on page 79, after line 18, add the following:

"The above appropriation ($4,396,400) does not provide any funds for the School Building Authority."

****

Amend printed copy of **HB 19**, page 23, line 3, by deleting "$3,050,000" and inserting in lieu thereof "$2,900,000";

and on line 12, by deleting "$500,000" and inserting in lieu thereof "$350,000";

and at the end of line 14, by adding the following: "Any unexpended balance in the multi-County Industrial Site Development Program may be used for agriculture loans and tourism loans";

and on line 17, by deleting "$35,295,000" and inserting in lieu thereof "$35,145,000".

****

Amend printed copy of **HB 19**, page 3, line 13, by inserting after line 13 the following:

"a. General Operations"

and after line 19, by inserting the following:

"b. Division of Consumer Intervention"

"1979-80 .... $ 150,000

Funds are appropriated to the office of the attorney general for the purpose of employing or retaining such engineers, economists, accountants, actuaries, and other professionals as may be necessary or appropriate to investigate rate filing and to serve as expert witnesses before regulatory agencies on behalf of the consumers of the Commonwealth of Kentucky.

Total - Department of Law

1978-79 .... $2,541,200

1979-80 .... $2,899,700"

and on page 20, line 24, by deleting "$145,706,000" and inserting in lieu thereof "$145,856,000".

****

Accept Senate Amendment No. 6 which reads as follows:

Amend printed copy of **HB 19**, page 84, line 24, after "ment" by deleting the words "Further, it is the intention and purpose of this";

and on page 84, lines 25 and 26, by deleting same;

and on page 85, lines 1 through 26, by deleting same;

and on page 86, lines 1 and 2, by deleting same.

(Endorsed by Senators Huff, Martin, and Berry; Representatives DeMarcus, Adams, and Jones.)

Representative Jones moved the adoption of the Free Conference Committee Report on **HB 19**.

On the roll call the vote as yeas 56-Adams, J. Allen, Arnold, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Clapp, Craddock, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Donnermeyer, Dunn, Foster, Freibert, Gray, Guy, Head, Hurst, Imes, Jones, Kenton, LeMaster, Lindsay, List, Little, Mann, May, Maynard, McBee, McKinney, O'Brien, Petty, Priddy, Richards, B. Richardson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Wells, White, Worthington, Yates. Nays 34-W. Allen, Bendl, Blythe, Burch, Burnette, Clarke, Crupper, Fitzgerald, Guenthner, Haering, Hancock, Holbrook, Holloway, Isler, Kleier, Layman, Marcum, McNutt, Morris, Nett, Noe, Overstreet, Patrick, Pearman, Plummer, Rattliff, P. Richardson, Riner, Robinson, Schmidt, Tobin, Van Horn, Wilborn, Wright.

The Free Conference Committee Report on **HB 19** was adopted.

Representative B. Richardson moved that **HB 19**, as amended, be passed.

On the roll call the vote was yeas 62-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Clapp, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Foster, Gray, Guy, Hancock, Head, Hurst, Imes, Isler, Jones, Kenton, LeMaster, Lindsay, List, Little, May, Maynard, McBee, McKinney, Morris, O'Brien, Petty, Richards, B. Richardson, Riner, Robinson, Romines, Sale, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Worthington, Yates. Nays 27-W. Allen, Blythe, Burnette, Clarke, DeFalaise, Fitzgerald, Guenthner, Haering, Holbrook, Holloway, Johnson, Kleier, Layman, Mann, Marcum, McNutt, Nett, Overstreet, Patrick, Pearman, Plummer, Priddy, Rattliff, Schmidt, Tobin, Wilborn, Wright.

HB 19, as amended, was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 19**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

The following message was received in regard to **HB 44**: The Senate has accepted the Free Conference Report on **HB 44** and repassed the bill and is returning same to this Honorable Body for its action and enrollment.

Motions, Petitions and Communications (continued)

Representative Wells read the following Free Conference Committee Report on **HB 44**:

The Conference Committee has met as provided in the Rules of the House and the Senate and hereby reports the following:

1. Amend Senate Amendment 1 to read as follows:

page 39, line 2, by adding after "(2)" the symbol "(a)";

page 39, line 4, by deleting the comma and "district board of education";

page 39, after line 15, by adding the following:

"(b) In the event an election is necessary for a school district under the provisions of subsection (1) of this section, the district board of education may cause to be submitted to the voters of the district in a called common school election not less than 20 days nor more than 30 days from the date the signatures on the petition are validated by the county clerk, or at the next regular election, at the option of the district board of education, the question as to whether such property tax rate shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect. The cost of a called common school election shall be borne by the school district causing the election to be held."

2. Amend Senate Amendment 3 to read as follows:

page 3, line 7, by deleting the semicolon and adding after the word "corporation" the words "or any other taxing jurisdiction, however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one school district to another."

3. Amend Senate Amendment 15 to read as follows:

page 30, line 10, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

page 30, line 24, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

page 33, line 24, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

page 34, line 9, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

page 35, line 23, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

page 36, line 8, by adding after the word "rate" the following: ", excluding any special tax rate which may be levied at the request of a county community improvement district pursuant to KRS 107.350 and 107.360, following a favorable vote upon such tax by the voters of any such county,";

4. That the Senate recede from Senate Amendment #5.

(Senate Conferees: Senators Baker, Wright, and O'Daniel; House Conferees: Representatives Wells, Clapp, and Clarke.)

Representative Wells moved the adoption of the Free Conference Committee Report on **HB 44**:

On the roll call the vote was yeas 87-Adams, J. Allen, W. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Haering, Hancock, Holbrook, Holloway, Hurst, Imes, Isler, Johnson, Jones, Kenton, Kleier, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Rattliff, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wilborn, Worthington, Wright. Nays 1-Tobin.

The Free Conference Committee Report no **HB 44** was adopted.

Representative B. Richardson moved that **HB 44**, as amended, be passed.

On the roll call the vote was yeas 83-Adams, J. Allen, Arnold, Bendl, Bennett, Benson, Beshear, Blandford, Blythe, Boatwright, Boswell, Brinkley, Brown, Bruce, Burch, Burnette, Clapp, Clarke, Craddock, Crupper, Cyrus, Davenport, Dawahare, DeFalaise, DeMarcus, Deskins, Dietz, Donnermeyer, Dunn, Fitzgerald, Foster, Freibert, Gray, Guenthner, Guy, Hancock, Head, Holbrook, Holloway, Hurst, Imes, Isler, Jones, Kenton, Layman, LeMaster, Lindsay, List, Little, Mann, Marcum, May, Maynard, McBee, McKinney, Morris, Nett, O'Brien, Overstreet, Patrick, Pearman, Petty, Plummer, Priddy, Richards, B. Richardson, P. Richardson, Riner, Robinson, Romines, Sale, Schmidt, Siemens, F. Smith, R. Smith, Stone, Thomas, Van Horn, Wells, White, Wilborn, Worthington, Yates. Nays 8-W. Allen, Haering, Johnson, Kleier, McNutt, Rattliff, Tobin, Wright.

HB 44, as amended was passed and the title agreed to.

Representative B. Richardson moved that the vote by which **HB 44**, as amended, was passed be reconsidered and said motion be postponed indefinitely. Agreed.

Senate Message

The following message was received in regard to **HB 38**: As per request of this Honorable Body, the Senate is respectfully returning **HB 38**.

Senate Message

The following message was received in regard to **HB 19**: The Senate has accepted the Free Conference Report on **HB 19** and repassed the bill, and is returning same to this Honorable Body for its action and enrollment.

Representative B. Richardson moved that no other business be conducted on this day other than Senate Message and Enrolling of Bills and Resolutions. Agreed.

Representative B. Richardson moved that when the House adjourns, it adjourn sine die. Agreed.

Representative B. Richardson moved that when the House adjourns, it do so by voice vote. Agreed.

Recess

Representative B. Richardson moved that the House recess until 8:30 p.m. Agreed.

At the appointed hour, the Speaker, resumed the Chair and called the House to order.

Recess

Representative J. Allen moved that the House recess for thirty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Senate Message

Announcing passage of **SR 32**.

Representative J. Allen moved that the reading of the Journal of February 10, 1979 be dispensed with and the same approved. Agreed.

Representative J. Allen moved that the Journal of the House of Representatives for the 1979 First Extraordinary Session be approved. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported **HB 38**, **HB 44**, and **HB 19** had been examined and found correctly enrolled. HB 38, HB 44, and HB 19 read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 38, **HB 44**, and **HB 19** delivered to the Senate, signed by President. Ordered delivered to the Governor.

Representative J. Allen moved the adoption of the following **SCR 32**:

SCR 32, A CONCURRENT RESOLUTION to adjourn the 1979 Extraordinary Session of the General Assembly sine die.

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That when the Senate and the House of Representatives adjourn Saturday, February 10, 1979, they do adjourn sine die.

SCR 32 was adopted by voice vote.

The Journal of the House of Representatives was read, compared and approved. The House adjourned sine die.

s/William G. Kenton
APPROVED: William G. Kenton, Speaker
House of Representatives

s/Sara Bell
ATTEST: Sara Bell, Chief Clerk
House of Representatives

HISTORY OF HOUSE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading.
Sponsors are indicated on the page of introduction.)

Bill		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub.or Amend	Voting	Other Action
					1st	2nd	3rd					
HB	1	13	14									14
												20
												29
												41
												56
HB	2	13	14									17
												25
												169
HB	3	13	14									20
												25
HB	4	13	14									55
HB	5	13	14									20
												275
												328
HB	6	13	14									
HB	7	13	14	31	31	35	45	199	228		45	20
												31
												40
												44
												236
HB	8	13	14									17
												25
												32
HB	9	13	14									20
												25
HB	10	13	14									17
												20
												25
												32
HB	11	13	14									17
												25
HB	12	13	14									17
HB	13	13	14									17
HB	14	13	14									14
												20
												25
HB	15	13	14									17
HB	16	13	14									17
HB	17	13	14									20
HB	18	13	14									20
												25
HB	19	13	14	72	72	129	238	312	332	200	275	47
										229	330	137
										230		225
										242		238
										243		239
										249		240
										250		243
										274		248
										314		275
										315		292

Bill	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub.or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 19 (Cont'd)									316		312
									317		314
									328		315
									329		317
											318
											324
											325
											327
											328
											332
HB 20	13	14									
HB 21	14	14									
HB 22	14	14									
HB 23	14	14									17
											20
HB 24	14	14									20
HB 25	14	14									20
HB 26	14	16									20
HB 27	14	16									25
											31
											35
HB 28	16	19									20
											25
											35
HB 29	16	19									169
HB 30	19	22									25
											169
HB 31	19	22									
HB 32	19	22									20
HB 33	19	22									
HB 34	22	24									29
											194
HB 35	22	24									
HB 36	22	24									
HB 37	22	24									
HB 38	24	26	59	60	67	148	312	332	62	149	26
									65	323	29
									134	326	37
									320		123
									322		148
									323		320
											323
											326
											332
HB 39	26	31									
HB 40	26	31	47	48	58	149		318	305	149	40
										306	123
											169
											305
											306
HB 41	26	31									
HB 42	29	31									
HB 43	29	31	34	34	40	68	276	312	59	69	31
									66	299	32
									299		33
											56
											57
											65

Bill	Introduced	Referred	Reported	1st	Readings 2nd	3rd	Senate Message	Enrolled	Sub.or Amend	Voting	Other Action
HB 43 (Cont'd)											299
											327
HB 44	30	31	72	97	129	194	300	332	105	198	33
									133	331	37
									134		47
									138		65
									151		119
									152		137
									157		174
									159		194
									160		195
									177		196
									178		197
									179		302
									180		303
									182		304
									183		305
									184		311
									185		312
									186		313
									187		318
									188		328
									302		330
									303		
									304		
									305		
									330		
HB 45	30	31							52		194
HB 46	31	34	49	50	58	69	276	312	52	69	37
									298	299	59
											298
											299
HB 47	34	40	174	174	193	240	313	318	176	240	45
											199
HB 48	34	40									47
											119
											173
											194
HB 49	39	43	48	48	58	120		318	306	120	45
											56
											59
											65
											119
											130
											146
											194
											306
											313
HB 50	39	43	62	62	67	149	312	325	318	149	44
										318	47
											119
											123
											169
											194
											318
HB 51	39	43	114	114	129	171		318	121	173	44
									122	311	63
									134		65

Bill	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub.or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 51 (Cont'd)									306		137
									310		169
											172
											173
											193
											194
											275
											306
											311
HB 52	39	43	114	117	129	173			118	173	44
											63
											137
											169
											193
											194
											275
HB 53	39	43	48	48	58	120	199	228		120	44
											45
											56
											59
											65
											119
											130
											146
											236
HB 54	39	43	48	48	58	120				120	44
											45
											56
											59
											65
											130
											146
											275
HB 55	43	47									
HB 56	43	47									67
HB 57	43	47									
HB 58	47	57									119
											137
											169
HB 59	47	57									
HB 60	47	57									199
HB 61	47	57									119
											169
											194
HB 62	47	57	128	128	146	227				228	72
											119
											174
											194
											275
HB 63	56	58	135	135	146	228	313	318	165	228	63
											163
											174
HB 64	56	58									
HB 65	56	58									167
											199
HB 66	56	58									
HB 67	58	66									
HB 68	58	66	123	124	146	226	312	325	125	227	72
									161	320	163

Bill	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Sub.or Amend	Voting	Other Action
				1st	2nd	3rd					
HB 68 (Cont'd)									198		226
									319		227
									320		319
											320
HB 69	58	66									
HB 70	58	66									
HB 71	64	66									65
											123
HB 72	64	66									
HB 73	67	72	165	165	193	240	313	325		240	135
											199
											275
HB 74	71	123									135
HB 75	71	123									
HB 76	71	123									
HB 77	71	123									169
											194
HB 78	137	163									168
HB 79	163	190									
HB 80	163	190									199
HB 81	190	199									
HB 82	190	199									
HB 83	290										

HISTORY OF HOUSE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated HJR; concurrent resolutions are designated HCR.)

Bill		Intro-duced	Re-ferred	Re-ported	Readings			Adopted	Senate Message	En-rolled	Voting	Other Action
					1st	2nd	3rd					
HR	1	9						10			10	
HR	2	9						10				
HCR	3	9						11				
HJR	4	14	16	22	22	24	150		199	228	150	21 40 72 123 236
HR	5	14	16	49	49	58	120				121	26 59 119 130 146
HR	6	16						17				
HCR	7	19	22									26
HCR	8	22	24	63	63	67	227	313		318	227	26 163
HR	9	24						25				
HR	10	26						28				28
HR	11	26						29				
HR	12	26						28				29
HR	13	26						27				29
HR	14	31	34					36				
HR	15	32						32				32 41 275
HJR	16	34	40									
HJR	17	34						37	199	228		36 236
HR	18	34										36
HCR	19	39	43	62	62	67	150		276	283	150	47 66 70 123 150 169
HCR	20	39						41	199	228		41 236
HCR	21	39	43	59	60	67						45 123 169
HCR	22	43	47					170				55 67 132 133 169
HR	23	43	47									
HR	24	43	47					55				44 55 56

Bill		Introduced	Referred	Reported	Readings			Adopted	Senate Message	Enrolled	Voting	Other Action
					1st	2nd	3rd					
HR	25	47	57					171				
HR	26	47	57					64				169
HR	27	58						65				
HCR	28	67	71									
HR	29	67						68				
HR	30	67	72					118				
HCR	31	71	123	200	200	236	284				284	135 194 276 292 293
HR	32	71						119				
HR	33	123						132				169 194
HR	34	123						130				
HR	35	123						131				131 169
HR	36	123						131				
HR	37	137						148				
HR	38	137						147				
HR	39	137						146				
HR	40	147						147				147
HCR	41	148	163	174	174	193	240		313	318	240	163 194 199 275
HR	42	148						148				
HJR	43	163	174									163 236
HR	44	163						169				
HR	45	163						170				
HR	46	190						225				
HR	47	190						194				
HJR	48	199	226									236
HR	49	199						225				
HR	50	199						226				226 228
HCR	51	199	232									236
HJR	52	228	232									
HR	53	232						237				237
HCR	54	232	244									
HR	55	244						248				
HR	56	244						296				
HR	57	244						275				
HR	58	276						282				283
HR	59	282						284				
HR	60	290						293				
HR	61	290						297				
HR	62	290						293				
HR	63	290						295				
HR	64	314									327	

HISTORY OF SENATE BILLS

(Numbers refer to page of House Journal. The text of a bill is given on first reading.)

Bill		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Sub.or Amend	Voting	Other Action
					1st	2nd	3rd				
SB	1	128	137	232	232	245					199
SB	2	70	71								
SB	5	70	72	164	164	193	241	320	164	241	137
									230	300	199
									297		296
											300
SB	8	26	31	63	63	67	171	248	134	171	40
											123
											171
											193
SB	9	26	31	165	166	193	241	326	167	241	40
									324	325	199
											241
											296
											300
											312
											313
											314
											324
SB	11	128	137	190	190	224	284	301	161	285	137
									193		276
									231		284
									242		285
									274		292
SB	16	128	137	244	244	282			245		163
									274		286
									289		293
SB	34	198	199								245
SB	36	171	190	276	276	282			297		236
											286
											323
SB	39	199	232	286	286	290			287		245
SB	43	198	199	280	280	282	297	301		297	238
											286
SB	44	238	238	277	277	282	297	314	288	298	238
										301	286
											297
											298
											301
SB	47	198	199								245

HISTORY OF SENATE RESOLUTIONS

(Numbers refer to page of House Journal. The text of a resolution is given on first reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated SCR.)

		Senate Message	Re-ferred	Re-ported		Readings		Adopted	En-rolled	Voting	Other Action
					1st	2nd	3rd				
SCR	13	70	71								
SCR	32	332						333			

Subject Index

(NOTE: Amendments and substitutes are included as subjects in this index only if such would alter the subject matter or effectiveness of the bill or resolution significantly. All such appearing in this Journal, however, are listed under the heading AMENDMENTS AND SUBSTITUTES.)

ADAMS, BUDDY
Introduced: HR 5, 15, 24, 25, 35, 40, 53; HB 43, 53, 54, 58, 59

ADMINISTRATIVE REGULATIONS AND PROCEEDINGS
Air pollution control—HR 24

AERONAUTICS
State planes, use—HB 42

AGED PERSONS
Income tax benefits—HB 8
Social Security program, proposed revision—HR 14

AGRICULTURE
Small farmers, aid to—HB 38, HFA(2)
Tobacco, oppose Secretary Califano's anti-smoking programs—HCR 22

ALLEN, "JITTER"
Introduced: HR 5, 15, 20, 24, 28, 35, 43, 50, 53; HB 38, 75

ALLEN, WILLARD
Introduced: HR 5, 15, 23, 35; HB 29, 79

AMENDMENTS AND SUBSTITUTES
HB 19—HCS; HFA(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21); SCA(6), (7), (8), (10); SFA(11), (12), (13); FCCR
HB 38—HCA(1); HFA(1), (2); SCS; SFA(5)
HB 40—SFA(1)
HB 43—HCS; HFA(1), (2), (3), (4); SFA(1), (3); SCA(5)
HB 44—HCS(1), (2); HFA(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36); SCA(1), (2), (3), (4), (5), (6); SFA(15); FCCR
HB 45—HFA(1)
HB 46—HCA(1), (2); HFA(1); SCA(1); SFA(3)
HB 47—HCA(1)
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NETT, CARL A.
Introduced: HR 15, 17, 19, 21, 40, 53; HB 43, 44, 50, 53, 54

NOE, ROGER
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Introduced: HR 5, 10, 15, 17, 24, 26, 33, 35, 40, 50, 53; HB 1, 3, 5, 6, 14, 17, 23, 24, 25, 26, 34, 35, 36, 43, 44, 48, 49, 50, 51, 52, 53, 54, 61, 80

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